



CHAPTER lxxviii.

An Act to confer additional powers upon the Wokingham District Water Company Limited and for other purposes. [12th July 1932.]

A.D. 1932.

WHEREAS the Wokingham District Water Company Limited (in this Act referred to as "the Company") are a company limited by shares and by the Wokingham District Water Order 1878 were authorised to supply water within the limits therein described :

And whereas further powers in relation to their undertaking were conferred upon the Company by the Wokingham District Water Orders 1901 and 1926 :

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

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

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

1. This Act may be cited as the Wokingham District Water Act 1932 and the Wokingham District Water Order 1878 the Wokingham District Water Order 1901 and the Wokingham District Water Order 1926 and this Act may be cited together and are in this Act

Short and
collective
titles.

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— Orders 1878 to 1932.

Interpreta-
tion.

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

“The Company” means the Wokingham District Water Company Limited;

“The undertaking” means the water undertaking of the Company as from time to time authorised;

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

“The directors” means the directors of the Company;

“The Minister” means the Minister of Health; and

“The Order of 1926” means the Wokingham District Water Order 1926.

As to
exercise of
powers of
section 12
of Water-
works
Clauses Act
1847.

3. The Company may on all or any of the lands from time to time held by them execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 other than wells and works for the taking and intercepting of water Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Supplies to
houses
partly used
for trade &c.

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

(a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or

(b) any public institution mental or other hospital (whether public or private) 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; A.D. 1932.

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

(2) Where a supply of water to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the rate for the time being payable for water supplied for domestic purposes.

(3) 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 half year 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.

5.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hose-pipe or other similar apparatus be used charge (except where the water so used is taken by meter) such sum not exceeding twenty shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first Any sums chargeable under this subsection shall be paid quarterly in advance and be in addition to the rates for the time being authorised by or under the Acts and Orders relating to the Company for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates. Charges for supplies for motor cars and certain apparatus.

(2) Where a person who takes a supply of water from the Company for any purpose desires to use the water so supplied for or in connection with a refrigerating apparatus used for trade purposes or for or in connection

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A.D. 1932. — with any apparatus depending while in use upon a supply of continuously running water the Company may if they think fit require that all water used for or in connection with the said apparatus shall—

- (a) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter and if the person only takes a supply for domestic purposes the minimum quarterly charge for the water so taken by meter shall be ten shillings; or
- (b) be paid for at such rates as may be agreed between the person and the Company.

Price of supply by measure.

6. The price to be charged by the Company for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons. Provided that except as otherwise by this Act expressly provided the Company shall be entitled to charge for water supplied by measure in any quarter of a year a minimum sum (exclusive of meter rent) which shall not exceed fifteen shillings.

Cisterns to be provided for high level supplies.

7. The Company may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the top of the service reservoir or tank from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Company shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Injuring meters &c.

8. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five

pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

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And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

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

As to
register of
meter.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the

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A.D. 1932. — year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as water rates are recoverable by the Company.

Testing and stamping of fittings.

10.—(1) The power of making regulations conferred by section 20 (Regulations to be made for preventing waste &c. of water) of the Order of 1926 shall extend to enable the Company to make regulations as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Company or by the authority of the Company 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.

Extension of power to inspect premises.

11. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times 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 Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds :

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

Amendment of section 27 of Order of 1926.

12. Section 27 (Penalty for closing valves and apparatus) of the Order of 1926 shall be read and have effect as if the words " which is not also used for the purposes of a supply to any other consumer " were added at the end of that section.

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—
on behalf of
owners and
occupiers.

of houses requiring a supply of water may be made by the local authority of the district on behalf of such owners and occupiers and shall be binding on the Company if the local authority execute an agreement binding themselves to pay for three successive years at least for the supply of water to the houses in respect of which the requisition was made the amount which would have been payable under the said section as amended in its application to the Company by such owners or occupiers.

Additional
capital to
be sold by
auction or
tender.

16.—(1) Subject to the provisions of this Act and of the Companies Act 1929 all shares issued by the Company after the passing of this Act shall be issued in accordance with the provisions of this section.

(2) All shares 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 town clerk of Wokingham the clerk of the Wokingham Rural District Council and the clerk of the Easthampstead Rural District Council and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (c) No lot offered for sale shall comprise shares 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 Company may be accepted in preference to the offer of

A.D. 1932.

13. The Company and any local authority company body or person supplying water under parliamentary authority may enter into and carry into effect agreements with respect to the purchase of water in bulk by the Company for such price and on such terms and conditions as may be agreed upon and either in perpetuity or for such period as may be agreed upon and any water so purchased may be used by the Company for the purposes of the undertaking. Nothing in this section shall entitle any local authority company body or person to sell or supply water to the Company if and so long as such sale or supply would prevent such local authority company body or person from giving a full and efficient supply for domestic purposes within their limits of supply.

Purchase of
water in
bulk.

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

Guarantees
by local
authorities.

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

(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.

15. Any requisition which may be made under Section 35 of the Waterworks Clauses Act 1847 as amended by the Order of 1926 by owners or occupiers

Power to
local
authorities
to guarantee

the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company; A.D. 1932.

- (e) In the case of a sale by auction a 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 Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

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

(4) Any shares 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 Company shall send a report thereof to the Minister stating the total amount of the respective shares sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares.

17. The Company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds

Copy of
Act to be
registered.

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A.D. 1932. — for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur a like penalty. Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1929 on registration of any document other than a memorandum of association or the abstract required to be delivered to the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

Judges not disqualified.

18. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order from time to time relating to the Company by reason of his being liable to any rate or charge.

Several sums in one summons.

19. Where the payment of more than one sum by any person is due to the Company under the provisions of any Act or Order from time to time relating to the undertaking any summons or warrant issued for the purposes of that 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.

Penalties not cumulative.

20. Penalties imposed under any Act or Order from time to time relating to the Company in respect of the undertaking for one and the same offence shall not be cumulative.

Recovery of penalties &c.

21. Save as otherwise by this Act expressly provided all offences against any Act or Order from time to time relating to the Company in respect of the undertaking may be prosecuted in a summary manner and all penalties forfeitures costs and expenses imposed or recoverable under those Acts or Orders or any byelaw made in pursuance thereof may be recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

22. Proceedings for the recovery of any demand made under the authority of any Act or Order from time

to time relating to the Company in respect of the under-
taking 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. A.D. 1932,
—

23. The following enactments are hereby repealed Repeal.
viz. :—

The Wokingham District Water Order 1878—

- Section 3 Interpretation ;
- Section 18 Power for undertakers to make regu-
lations for preventing waste of
water ;
- Section 19 Power for undertakers to refuse supply
where regulations not complied
with ;
- Section 23 Register of meters to be evidence ;
- Section 25 When several houses supplied by one
pipe each to pay ;
- Section 26 Supply of water to tenements in a
row ;
- Section 28 Injuring meters ;
- Section 29 Misuser where supply to several houses
is by a pipe common to all ;
- Section 31 Several names in one summons ;
- Section 32 Warrant of distress to include costs ;
- Section 33 Liability to water rate not to dis-
qualify justices from acting.

The Wokingham District Water Order 1901—

- Section 6 New shares or stock to be offered by
auction or tender ;
- Section 7 Purchase money to be paid within
three months ;
- Section 8 Notice to be given as to sale of shares
or stock ;
- Section 9 Shares or stock not sold by auction
or tender to be offered to share-
holders.

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The Order of 1926—

Section 8 Additional capital to be sold by
auction or tender;

Section 35 Charge for water used in garages &c.;
and

Section 36 Supply to houses partly used for
trade.

Costs of
Act.

24. All the costs charges and expenses of and
incident to the preparing for obtaining and passing of
this Act and otherwise in relation thereto shall be paid
by the Company and may in whole or in part be paid
out of revenue.

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