



CHAPTER xxxiv.

An Act to provide for the transfer to the Frimley and Farnborough District Water Company of the undertaking of the Wokingham District Water Company Limited to confer further powers upon the Frimley and Farnborough District Water Company and for other purposes. A.D. 1933.
[18th July 1933.]

WHEREAS by the Frimley and Farnborough District Water Act 1893 the Frimley and Farnborough District Water Company (in this Act referred to as "the Company") were incorporated for the purpose of supplying with water certain places in the counties of Hants and Surrey and powers have been conferred upon the Company by the Frimley and Farnborough District Water Acts and Orders 1893 to 1931 and the Company's area of supply now includes areas in the said counties and in the county of Berks :

And whereas the Wokingham District Water Company Limited (in this Act referred to as "the Wokingham Company") were by the Wokingham District Water Order 1878 authorised to construct and maintain pumping stations and other works in the parish of Wokingham in the county of Berks and to supply water in certain areas in that county and to exercise other powers and further powers were conferred upon the Wokingham Company by the Wokingham District Water Orders 1901 and 1926 and the Wokingham District Water Act 1932 :

[A.D. 1933.]

— And whereas the area of supply of the Wokingham Company comprises certain areas in the county of Berks adjoining the Company's area of supply and the Company have agreed with the Wokingham Company to acquire the undertaking of that Company on the terms set forth in this Act and it is expedient that such acquisition be sanctioned and that the area of supply of the Company be extended to include the area in which the Wokingham Company are now supplying or are authorised to supply water :

And whereas a statement of the authorised and issued share and loan capital of the Company is set out in the First Schedule to this Act :

And whereas the issued capital of the Wokingham Company consists of—

two thousand original ordinary shares of ten pounds each fully paid up ;

nine hundred and eighty-two new ordinary shares of ten pounds each fully paid up ;

thirteen thousand pounds five per centum debentures :

And whereas it is expedient that the supplies of water available to the Company should be increased and that the Company should be empowered to make and maintain the new well and pumping station in this Act mentioned situate in the parish of Binfield within the area of supply of the Wokingham Company :

And whereas it is expedient that the Company should be authorised to raise further capital as by this Act provided :

And whereas it is expedient to confer further powers on the Company as in this Act contained and that the other provisions of this Act be enacted :

And whereas plans and sections of the works by this Act authorised and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken or used for the purposes or under the powers of this Act have been deposited with the clerk of the county council of the county of Berks which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament : A.D. 1933.

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 *Frimley and Farnborough District Water Act 1933* and the *Frimley and Farnborough District Water Acts and Orders 1893 to 1931* and this Act may together be cited as the *Frimley and Farnborough District Water Acts and Orders 1893 to 1933*. Short and collective titles.

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

(1) The Lands Clauses Acts Provided always that any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Minister of Health on the application of either party ;

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

(3) The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital) and the Companies Clauses Act 1863 (except Part IV) as amended by subsequent Acts.

(2) Notwithstanding anything contained in the *Frimley and Farnborough District Water Acts and Orders 1893 to 1933* sections 76 to 79 (both inclusive)

A.D. 1933. — of the Waterworks Clauses Act 1847 shall cease to apply to the Company.

Interpreta-
tion.

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

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

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

“The Act of 1915” means the Frimley and Farnborough District Water Act 1915;

“The Act of 1927” means the Frimley and Farnborough District Water Act 1927;

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

“The Wokingham undertaking” means the undertaking of the Wokingham Company as the same exists on the date of transfer and includes all and singular the real and personal properties of whatever tenure or nature and description of the Wokingham Company including works pipes assets goodwill and effects and all powers rights and privileges conferred upon the Wokingham Company by the Wokingham District Water Act and Orders 1878 to 1932 and the benefit of all agreements to which the Wokingham Company is a party and the right to recover all money due to the Wokingham Company in respect of water rates water rents and any other debts subject to all obligations and liabilities of the Wokingham Company;

“Frimley seven per centum shares” means ordinary shares in the capital of the Company of ten pounds each entitled to a maximum dividend of seven per centum per annum;

“Wokingham ten per centum shares” means shares in the capital of the Wokingham Company of ten pounds each entitled to a maximum dividend of ten per centum per annum;

“Wokingham seven per centum shares” means shares in the capital of the Wokingham Company

of ten pounds each entitled to a maximum dividend of seven per centum per annum; A.D. 1933.

“ Wokingham shares ” means Wokingham ten per centum shares and Wokingham seven per centum shares;

“ The date of transfer ” means the first day of January one thousand nine hundred and thirty-four;

“ The existing limits ” means the area within which the Company are authorised to supply water under the Frimley and Farnborough District Water Acts and Orders 1893 to 1931;

“ The Wokingham limits ” means the area described in the Second Schedule to this Act and being the area within which the Wokingham Company are at the passing of this Act supplying or are authorised to supply water;

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

4. As from the date of transfer the Wokingham undertaking shall by virtue of this Act be transferred to and vested in the Company on and subject to the terms and conditions of this Act and shall form part of the undertaking of the Company. Transfer to Company of Wokingham undertaking.

5.—(1) The Company on the date of transfer or as soon thereafter as may be reasonably practicable shall (subject to the provisions of subsection (2) of this section) issue to the holders at that date of Wokingham shares Frimley seven per centum shares as follows :— Issue of Frimley shares to Wokingham shareholders.

To each holder of Wokingham ten per centum shares ten Frimley seven per centum shares for every seven such Wokingham shares held by him and so in proportion for any number of such Wokingham shares less than seven held by the holder;

To each holder of Wokingham seven per centum shares one Frimley seven per centum share for each such Wokingham share held by him.

(2) Where under this section any holder of Wokingham ten per centum shares would be entitled to receive

A.D. 1933. a fractional part of a share the Company in lieu of issuing to him such fractional part shall pay to him such sum in cash as shall be equal to the value of such fractional part on the date of transfer and for that purpose the value of each pound of the nominal amount of a Wokingham ten per centum share shall be deemed to be two pounds two shillings and tenpence.

Creation of shares of Company for purposes of transfer.

6.—(1) On the date of transfer there shall be created by virtue of this Act and without any further or other authority such number of Frimley seven per centum shares as shall be requisite to give effect to the provisions of the immediately preceding section of this Act.

(2) The Company shall as soon as practicable after the date of transfer register in their books the holders of Wokingham shares as holders of the number of Frimley seven per centum shares to which such holders are entitled under the provisions of the immediately preceding section of this Act.

Rights of holders of substituted Frimley seven per centum shares.

7.—(1) The Frimley seven per centum shares to be issued under the provisions of this Act to the holders of Wokingham shares shall be deemed to be fully paid up and to rank in all respects *pari passu* with and to confer all the like rights of voting and otherwise and the like powers and privileges as are conferred by or attach to the Frimley seven per centum shares existing at the date of transfer. The shares to be issued as aforesaid and the said existing shares shall be deemed for all purposes to form part of one and the same class of ordinary capital.

(2) The holders of the Frimley seven per centum shares so to be issued shall be entitled to dividend on those shares as from the date of transfer and as from that date the holders of the Wokingham shares shall cease to be entitled to dividend or to any arrears of dividend on or in respect of the Wokingham shares except as provided by the section of this Act of which the marginal note is "Payment of dividends on Wokingham shares."

Company to take over debentures of Wokingham Company.

8.—(1) The Company shall as from the date of transfer take over the liability for the thirteen thousand pounds five per centum debentures issued by the Wokingham Company or for such of those debentures as shall then be outstanding and as from such date the said

debentures shall become a first charge upon the undertaking ranking *pari passu* with any rentcharges and debentures of the Company existing immediately before the date of transfer and then constituting first charges on the undertaking. The said debentures shall carry interest at the same rate and subject as aforesaid shall be governed by the same provisions as respects redemption or repayment appointment of a receiver modification of rights and otherwise as prior to the date of transfer.

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(2) All interest on such debentures up to the date of transfer shall be borne and paid by the Wokingham Company.

(3) The Company may at any time by agreement with the holder of any such debenture pay off any sum secured thereby and thereupon such debenture and all claims in respect thereof shall be cancelled and extinguished.

9.—(1) The Wokingham Company shall as soon as reasonably practicable after the date of transfer prepare separate accounts of the Wokingham undertaking for the six months ending immediately prior to the date of transfer and those accounts shall be audited by the auditors of the Wokingham Company. The Company shall pay and indemnify the Wokingham Company against all reasonable costs and expenses attendant upon such preparation and audit of accounts.

Payment of
dividends on
Wokingham
shares.

(2) The Wokingham Company shall be entitled to declare and pay out of any profits properly available for that purpose dividends at rates not exceeding the maximum rates in respect of any period from the first day of July one thousand nine hundred and thirty-two up to the thirtieth day of June one thousand nine hundred and thirty-three and in respect of the half-year ending on the thirty-first day of December one thousand nine hundred and thirty-three the Company shall as soon as practicable after the accounts have been prepared and audited declare and pay to the persons who are shareholders of the Wokingham Company at the date of transfer out of the profits of the Wokingham Company properly available for that purpose dividends at the maximum rates or if the profits so available are not sufficient to provide dividends at those rates then at such less rates as such profits may be sufficient to provide.

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

10.—(1) The several persons who at the date of transfer appear in the registers of the Wokingham Company as holders of Wokingham shares or the respective executors or administrators of those persons shall for the purposes of this Act and subject to the provisions of the section of this Act of which the marginal note is “Transfers bequests &c. of Wokingham shares although by present name to be valid” be deemed to be the holders of Wokingham shares at the date of transfer of the respective numbers stated in those registers and on and after the date of transfer the registers of transfers of Wokingham shares shall be permanently closed and (except as provided by the last-mentioned section of this Act) no transfer of any Wokingham shares made on or after that date shall as between the Company and the party claiming thereunder be of any effect.

(2) The issue by the Company of certificates of Frimley seven per centum shares in accordance with the provisions of this Act to the persons who appear by the said registers to be the holders at the date of transfer of Wokingham shares or to the respective executors or administrators of such persons or to the persons entitled thereto pursuant to the said section of this Act shall be a sufficient discharge to the Company for all purposes except in respect of any sums of cash payable to any holders of Wokingham shares under the provisions of this Act.

(3) The receipt of any person who appears by the said registers to be the holder at the date of transfer of any Wokingham shares or of the executors or administrators of any such person for any sum of cash payable to such holder under the provisions of this Act and the receipt of any other person entitled to any sum of cash pursuant to this Act for the sum of cash so payable to him shall be a sufficient discharge to the Company in respect of that sum of cash.

Substituted
Frimley
seven per
centum
shares
to be held
on same
trusts &c. as
Wokingham
shares.

11. The Frimley seven per centum shares of which the holders of Wokingham shares are pursuant to the provisions of this Act registered as the holders and the sums of cash to be paid by the Company to such holders pursuant to those provisions shall be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject

to which the Wokingham shares for which such Frimley seven per centum shares and sums of cash are respectively substituted were held immediately before the date of transfer and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such Wokingham shares and trustees executors or administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the Frimley seven per centum shares of which they are pursuant to the provisions of this Act registered as the holders and any sums of cash paid to them under those provisions in substitution for the Wokingham shares held by them and may (subject to the provisions of this Act) hold dispose of or otherwise deal with such shares and sums of cash in all respects as they might have held disposed of or otherwise dealt with the Wokingham shares for which the same are substituted.

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12. The Company shall as soon as practicable after the date of transfer call in the certificates of Wokingham shares and issue free of charge in exchange for those certificates to the respective persons deemed to be holders of the shares represented by the said certificates at the date of transfer in pursuance of the provisions of the section of this Act of which the marginal note is "Wokingham Company's books to be evidence as to holders of "Wokingham shares" certificates of Frimley seven per centum shares of the respective numbers or amounts to which those holders under the provisions of this Act respectively are entitled but no such holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such new certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as those directors may require Provided that as from the date of transfer until the issue of such new certificates the holders of Wokingham shares shall (according to the respective numbers of Frimley seven per centum shares created under the provisions of this Act in substitution for the Wokingham shares to which such holders are respectively entitled) have and possess the same rights and advantages as if they held certificates for those respective numbers of Frimley seven per centum shares created

Existing certificates to be called in and others issued.

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as aforesaid but if any person deemed a holder of Wokingham shares as aforesaid neglect or omit to send or deliver to the Company the existing certificate or certificates of such shares for the period of six months after notice in writing sent by post to the address appearing in the books of the Wokingham Company the Company may suspend the payment of any dividend declared or made payable on or in respect of the Frimley seven per centum shares so substituted as aforesaid until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the said directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate as those directors may require.

Transfer of
Frimley
seven per
centum
shares and
payment of
cash into
court in
certain
cases.

13. Where the Company are for six months after the date of transfer unable after reasonable enquiry to ascertain the person entitled to be registered as holder of and receive a certificate for Frimley seven per centum shares under the provisions of this Act or where any person entitled to any such certificate cannot give an effectual receipt the Company shall—

- (i) transfer such shares exclusive of any fraction of a share to which the person may be entitled under the section of this Act of which the marginal note is "Issue of Frimley shares to Wokingham shareholders"; and
- (ii) pay the sum of cash representing any such fraction of a share calculated in accordance with the provisions of subsection (2) of that section;

to the Accountant-General for and on behalf of the Supreme Court of Judicature in England under any Act in force for the relief of trustees. Every such transfer and payment shall discharge the Company from all liability with respect to the Frimley seven per centum shares so transferred and the cash so paid and for the purposes of this Act the certificate relating to such shares and the cash respectively shall be deemed to be delivered or paid to the person absolutely entitled thereto and any person afterwards showing to the satisfaction of the Chancery Division of the High Court that he is entitled thereto may obtain transfer of the Frimley seven per centum shares and payment of the cash accordingly.

14.—(1) All transfers or other dispositions of any Wokingham shares made but not registered prior to the issue to the holders thereof respectively of the certificates of Frimley seven per centum shares and the payment of the sums of cash (if any) to which those holders are entitled under the provisions of this Act shall notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective numbers of Frimley seven per centum shares and sums of cash (if any) which represent the Wokingham shares thereby expressed to be transferred or disposed of and are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same as shares in the Wokingham Company.

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

(2) Any bequest of or any covenant or provision of any deed will or other instrument relating to any specific number or nominal amount and class of Wokingham shares shall be held to apply (subject to the provisions of subsection (2) of the section of this Act of which the marginal note is "Issue of Frimley shares to Wokingham shareholders") to the number of Frimley seven per centum shares which under the provisions of this Act are to be issued in substitution for such specific number or nominal amount and class of Wokingham shares.

15. If at the date of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by or against or in favour of the Wokingham Company the same shall not abate or be discontinued or be in any wise prejudicially affected by reason of the transfer to the Company of the Wokingham undertaking or of anything in this Act but the same may be continued prosecuted or enforced by against or in favour of the Company as and when it might have been continued prosecuted or enforced by against or in favour of the Wokingham Company if this Act had not been passed but not further or otherwise.

Pending
actions.

16. The Company shall be responsible for and indemnify the Wokingham Company against all obligations and liabilities of every kind to which the Wokingham Company may be subject at the date of transfer.

Indemnity.

A.D. 1933.

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Wokingham
rates rents
and charges.

17. Subject to the provisions of the section of this Act of which the marginal note is " Payment of dividends on Wokingham shares " all rates rents and charges and other sums which at the date of transfer are due or payable or accruing due or payable to the Wokingham Company shall continue to be due and shall be payable to and may be collected recovered and enforced by the Company in the same manner and with and by the same benefits and processes as those with and by which the Wokingham Company might have collected recovered and enforced the same and shall belong to the Company for their own benefit.

Contracts
to be
binding.

18. Subject to the provisions of this Act all contracts agreements conveyances deeds leases and other instruments affecting the Wokingham Company and in force at the date of transfer shall as from that date be as binding and of as full force and effect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Wokingham Company the Company had been a party thereto or bound thereby or entitled to the benefit thereof Provided that no contract or agreement (except contracts entered into in the ordinary course of business by the Wokingham Company) and no conveyance or other instrument made or entered into by the Wokingham Company subsequent to the twenty-fourth day of November one thousand nine hundred and thirty-two and extending beyond the date of transfer or involving the Company in any liability shall be binding on or of any force or effect against or in favour of the Company unless made or entered into with the consent in writing of the Company which consent shall not be unreasonably withheld.

Mainten-
ance of
under-
taking of
Wokingham
Company
until
transfer.

19. Between the twenty-fourth day of November one thousand nine hundred and thirty-two and the date of transfer the Wokingham Company shall carry on their undertaking efficiently in the ordinary course of business and shall maintain all assets of the Wokingham Company but the Wokingham Company shall not without the consent of the Company (which consent shall not be unreasonably withheld) raise further share or loan capital except to meet expenditure which was properly incurred before the twenty-fourth day of November one thousand nine hundred and thirty-two or enter into any new

agreement or incur further capital expenditure except as may be necessary in the ordinary course of maintenance of the assets and continuance of the undertaking and business of the Wokingham Company nor shall the Wokingham Company without the consent of the Company increase the number or remuneration of their employees or directors. A.D. 1933.

20. All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the Wokingham Company shall be admitted in evidence in respect of the same or the like matter for or against the Company. Books &c. to remain evidence.

21. All officers of the Wokingham Company and other persons who at the date of transfer have in their possession or under their control any books deeds plans documents papers moneys or effects forming part of or relating to the Wokingham undertaking shall be liable to account for and deliver up the same to the Company or to such persons as the Company may appoint to receive the same and subject to the same consequences on refusal or neglect as if such officers or persons had been appointed by and become possessed of such books deeds plans documents papers moneys or effects for the Company. Wokingham officers to be accountable for books &c.

22.—(1) The director of the Wokingham Company who was the chairman of that company on the first day of July one thousand nine hundred and thirty-two or in the event of his being unable or unwilling to accept the office of director of the Company another director of the Wokingham Company in office on the said date (to be chosen by the directors of the Wokingham Company at a meeting held for the purpose before the date of transfer) shall (subject to his being and remaining in other respects qualified in accordance with the Acts relating to the Company) as from the date of transfer become and be a director of the Company. As to directors and auditors of Wokingham Company.

The said director shall for the purposes of section 88 of the Companies Clauses Consolidation Act 1845 be due to retire by rotation at the annual meeting of the Company to be held in the year one thousand nine hundred and thirty-seven.

(2) The directors of the Wokingham Company holding office at the date of transfer (other than the

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director who becomes a director of the Company) shall retire from office as from that date except as otherwise provided under the section of this Act of which the marginal note is "Winding up of Wokingham Company". The Company shall pay to each of those directors (other than as aforesaid) who held office on the twenty-fourth day of November one thousand nine hundred and thirty-two and on the date of transfer as compensation for loss of office the sum of two hundred and forty-five pounds.

(3) The auditors of the Wokingham Company who held office on the twenty-fourth day of November one thousand nine hundred and thirty-two if they continue to hold office on the date of transfer shall retire from office as from the last-mentioned date (except that such auditors shall continue to hold office for the purpose of auditing the accounts of the Wokingham Company in accordance with the provisions of the section of this Act of which the marginal note is "Payment of dividends on Wokingham shares") and the Company shall on the date of transfer pay to them as compensation for loss of office a sum equal to three times the amount of their remuneration as such auditors for the year ended the thirtieth day of June one thousand nine hundred and thirty-two.

As to officers
and staff of
Wokingham
Company.

23.—(1) John Henry Elliston Clifton the secretary of the Wokingham Company shall be retained in the service of the Company in a consultative capacity in respect of the Wokingham limits for a period of not less than twelve years from the date of transfer at a remuneration of not less than one hundred and twenty-five pounds per annum.

(2) The Company shall take into their service all employees of the Wokingham Company (other than the secretary) who have been regularly employed by that company at the date of transfer for a period exceeding one year at rates of salary wages or emoluments not less than those in force under the Wokingham Company on the first day of October one thousand nine hundred and thirty-two. If within a period of five years after the date of transfer the services of any such employee are dispensed with by the Company for any reason other than insubordination incompetence misconduct or other like cause such employee shall be entitled to receive compensation from the Company for the loss of his

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employment and emoluments and the amount of such compensation if not agreed between the Company and such employee shall be settled by arbitration in pursuance of the provisions of the Arbitration Act 1889 Provided that such compensation whether agreed or settled by arbitration shall not exceed the compensation which would be payable under the Eighth Schedule to the Local Government Act 1929 if the employee was one to whom that schedule applied and the service of such employee with the Wokingham Company and the Company were service with a local authority for the purposes of paragraph 5 of that schedule Every such employee with the exception of the employee who was managing clerk on the first day of October one thousand nine hundred and thirty-two shall be subject in all respects to the rates of pay and conditions of service from time to time applying to the corresponding employees of the Company and the employee who was managing clerk as aforesaid shall be subject to rates of pay and conditions of service not less remunerative and beneficial to him than those at present applying to him Every such employee who completes eighteen months' consecutive service with the Company shall thereafter be entitled to be admitted as a new member of the Company's profit-sharing scheme.

24.—(1) From and after the date of transfer the Wokingham Company shall subsist only for the purpose of winding up their affairs and carrying into effect the purposes of this Act as far as they relate to the Wokingham Company and the directors of the Wokingham Company who are in office at the passing of this Act and the survivor or survivors of those directors shall continue without re-election to hold office and those directors or the majority of them or if a liquidator of the Wokingham Company be duly appointed the liquidator shall have full power and authority to take with respect to the Wokingham Company all proceedings necessary for carrying into effect the purposes of this section.

Winding
up of
Wokingham
Company.

(2) If the number of directors of the Wokingham Company be reduced by death resignation or otherwise below three before the completion of the winding up of the Wokingham Company or the appointment of a liquidator thereof the continuing directors shall from

A.D. 1933. — time to time appoint a person or persons who immediately prior to the date of transfer was or were a shareholder or shareholders of the Wokingham Company to fill the vacancy or vacancies so caused.

(3) Forthwith after the date of transfer the directors of the Wokingham Company or such liquidator as aforesaid shall proceed to wind up the affairs of the Wokingham Company in accordance with the provisions of the Companies Act 1929 and if the directors of the Wokingham Company shall before such date have delivered to the Registrar of Companies the statutory declaration of solvency which is referred to in section 230 of the Companies Act 1929 the Wokingham Company shall be deemed as at the date of transfer to have passed a special resolution for the voluntary winding up thereof and such winding up shall be conducted according to the provisions of the last-mentioned Act applicable to a members' voluntary winding up. All reasonable costs and expenses of the Wokingham Company of and incident to such winding up shall be paid by the Company and the Company shall indemnify the Wokingham Company against the same.

Inspection of
Wokingham
books &c.

25. Notwithstanding anything in the section of this Act of which the marginal note is "Wokingham officers to be accountable for books &c." the Wokingham Company shall be entitled after the date of transfer to such possession control and inspection of the books of account and other books and documents of the Wokingham Company as may be necessary for the purpose of the preparation and audit of the accounts of the Wokingham Company to the thirty-first day of December one thousand nine hundred and thirty-three.

Repeal of
Wokingham
Act and
Orders.

26.—(1) The Wokingham District Water Act and Orders 1878 to 1932 except the provisions of the Wokingham District Water Order 1878 the Wokingham District Water Order 1926 and the Wokingham District Water Act 1932 which are as amended set forth in the Third Schedule to this Act shall as from the date of transfer be by virtue of this Act repealed.

(2) The provisions of the Wokingham District Water Order 1878 the Wokingham District Water Order 1926 and the Wokingham District Water Act 1932 which are as amended set forth in the Third Schedule to this

Act shall notwithstanding anything in this Act continue in force and apply to the Company as from the date of transfer and for that purpose shall be construed and have effect as if in those provisions— A.D. 1933.
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the expression “the undertakers” meant the Company; and

the expression “the limits of supply” meant the limits of supply as defined by this Act;

and as if any other necessary modifications were made in those provisions Provided that section 16 (Rates for supply for domestic purposes) and section 17 (Rates for baths) of the said Order of 1878 section 32 (Amendment of section 35 of Waterworks Clauses Act 1847) of the said Order of 1926 and section 7 (Cisterns to be provided for high level supplies) of the said Act of 1932 shall be in force and apply only within the Wokingham limits.

27. Section 18 (Number of directors) of the Frimley and Farnborough District Water Act 1893 as amended by section 28 (Number of directors) of the Frimley and Farnborough District Water Order 1931 shall have effect as if the word “seven” were substituted for the word “six.” Number of directors of Company.

28.—(1) On and as from the date of transfer the limits within which the Company may supply water and exercise the powers of the Frimley and Farnborough District Water Acts and Orders 1893 to 1933 shall be extended so as to include the Wokingham limits. Extension of limits of supply.

(2) Except as by this Act otherwise expressly provided the Company within the Wokingham limits shall have and may exercise all and the like powers rights privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within their existing limits for the supply of water.

(3) Notwithstanding anything in this Act the following provisions shall not extend to or be in force within the Wokingham limits:—

The Frimley and Farnborough District Water Act 1893—

Section 35 (Rate at which water is to be supplied for domestic purposes).

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The Frimley and Farnborough District Water Act 1909—

The proviso to section 4 (Extension of limits of supply).

The Act of 1915—

Section 7 (As to hardness of water supplied by Company).

The Act of 1927—

Section 16 (Application of section 35 of Waterworks Clauses Act 1847).

The Frimley and Farnborough District Water Order 1931—

Section 9 (Cisterns to be provided for high level supplies).

As to charges for baths and water-closets.

29. As from the date of transfer section 35 (Rates at which water is to be supplied for domestic purposes) of the Frimley and Farnborough District Water Act 1893 shall be read and have effect as if the words “to every watercloset beyond the first the sum of seven shillings and sixpence per annum and” were omitted therefrom and as if the words “ten shillings per annum” were substituted for the words “twelve shillings and sixpence per annum.”

Power to Company to continue works of Wokingham Company.

30. The Company may continue maintain and use for the purposes of the undertaking any wells and pumping stations reservoirs mains pipes and other works constructed or laid by the Wokingham Company before the date of transfer as if they had been constructed or laid by the Company under the powers of this Act and may also pump collect divert take and use all or any of the underground waters which will or may be taken or intercepted by the said wells and pumping stations or any of them and the provisions of the Waterworks Clauses Acts 1847 and 1863 shall apply to the said wells and pumping stations reservoirs mains pipes and works in all respects as if they had been constructed under the authority of this Act:

Provided that the Company shall not except with the consent of the Minister of Health and subject to such conditions if any as he may impose supply water from the well at Finchampstead Road authorised by the Wokingham District Water Order 1878.

31. The provisions of section 44 (For protection of Surrey and Southampton County Councils) of the Wey Valley Frimley and Farnham Water Act 1898 shall extend and apply to the Wokingham limits and to the Berkshire County Council and to the Company in relation thereto as if that section had been expressly re-enacted in this Act with reference thereto. A.D. 1933.
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For protection of Berkshire County Council.

32. Subject to the provisions of this Act the Company may in the parish of Binfield in the rural district of Easthampstead in the county of Berks make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference (that is to say):— Power to construct water-works.

Work No. 1 A well and pumping station situate at the eastern end of the enclosure numbered 9 on the 1/2500 Ordnance map of Berkshire sheet XXXI.13 (edition 1912);

Work No. 2 An adit or heading and borings commencing at the well and pumping station (Work No. 1) and terminating beneath a point eighty-five feet or thereabouts south of the north-western corner of the enclosure numbered 9 on the said Ordnance map;

Work No. 3 An adit or heading and borings commencing at the well and pumping station (Work No. 1) and terminating beneath a point eighty-five feet or thereabouts south of the north-eastern corner of the enclosure numbered 13 on the said Ordnance map;

and the Company may make and maintain within the limits of deviation shown on the deposited plan all such other wells shafts adits headings machinery works and apparatus as may be necessary or convenient in connection with or subsidiary to the works authorised by this Act:

Provided that any electrical works or apparatus made or maintained under the provisions of this section shall be so constructed maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication

A.D. 1933. — by means of such line Provided that the Company shall not under the powers of this Act enter upon take or use any part of the surface of Mare Lane Binfield.

Limits of deviation.

33. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections in the case of Work No. 1 to any extent upwards or downwards and in the case of Works Nos. 2 and 3 to any extent not exceeding fifty feet upwards and to any extent downwards.

Power to take waters.

34. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all underground streams springs and waters which will or may be taken or intercepted by means of the works authorised by this Act.

Period for compulsory purchase of lands.

35. The powers granted by this Act for the compulsory purchase of lands shall cease on the first day of October one thousand nine hundred and thirty-six.

Correction of errors in deposited plan and book of reference.

36. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Berks for the correction thereof and if it appear to the justices hearing the application that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council of the county of Berks and a duplicate thereof with the clerk of the Easthampstead Rural District Council and with the clerk of the Binfield Parish Council respectively and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plan or book of reference shall be deemed to be corrected according to such certificate and

it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate. A.D. 1933.

37. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

38.—(1) Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated herewith the Company shall not be required to purchase or take the lands within the limits of deviation shown upon the deposited plan of Works Nos. 2 and 3 authorised by this Act or any part of the surface of such lands but they may purchase and take and the owners of and other persons interested therein shall sell such easements and rights in and under the said lands or any part thereof as they may require for making and maintaining the said Works Nos. 2 and 3. Power to acquire easements compulsorily in certain cases.

(2) The Company may give notice to treat in respect of any such easements and rights as aforesaid describing the nature thereof and subject to the foregoing provisions of this section and to the other provisions of this Act the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if they were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

39. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable. Power to certain persons to grant easements &c. by agreement.

A.D. 1933. — in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Compensation in case of recently altered buildings.

40. In settling any question of disputed purchase money or compensation for lands acquired by the Company under the powers of this Act the arbitrator shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the twentieth day of November one thousand nine hundred and thirty-two if in the opinion of the arbitrator the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the arbitrator was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Company of such lands.

Power to Company to enter upon property for survey and valuation.

41. The Company and their surveyors officers contractors and workmen and any person duly authorised in writing under the hand of the secretary of the Company may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands authorised by this Act to be taken and used or any of them for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Pressure.

42. Notwithstanding anything contained in any Act or Order relating to the Company as soon as the works authorised by this Act have been executed and brought into use the water supplied by the Company for domestic purposes in so much of the rural district of Easthampstead as is within the Wokingham limits shall be constantly laid on at such pressure as will make the water reach the top storey of the highest houses within so much of the limits of supply as is within the said rural district.

43. Notwithstanding anything contained in any Act or Order the water supplied by the Company from any well and pumping station in the Wokingham limits need not be softened unless the hardness exceeds fifteen degrees of hardness according to Clark's scale in which case (save in case of accident or breakdown or with the consent of the local authority) such water shall be softened so as to comply with the provisions of section 7 (As to hardness of water supplied by Company) of the Act of 1915.

A.D. 1933.

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As to hardness of water from wells in Wokingham limits.

44.—(1) In this section the expression "the Council" means the Hartley Wintney Rural District Council and the expression "the Hartley Wintney waterworks" means the interest of the council in the pumping station situate in the parish of Elvetham in the rural district of Hartley Wintney in the county of Southampton in the enclosure numbered 27 in that parish on the 1/2500 Ordnance map of Southampton sheet XII.5 (edition 1911) and in the springs reservoirs dams filter beds and works connected therewith and in the water tower mains pipes and other works of the council used for the purpose of supplying water in the parish of Hartley Wintney and the interest of the council in the respective sites of such pumping station springs and works.

Power to purchase Hartley Wintney waterworks by agreement.

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

(3) On the completion of the purchase of the Hartley Wintney waterworks or any part thereof the Company may maintain hold and use the same for the purposes of the undertaking and may extend enlarge alter and renew the same in and under the said enclosure and may also pump collect divert take and use all or any of the waters which will or may be taken or intercepted by the said works or any of them and the provisions of the Acts and Orders from time to time relating to the Company shall so far as applicable apply to the Hartley Wintney waterworks or any part thereof so purchased in all respects as if the same

A.D. 1933. had been constructed or laid down under the authority
— of those Acts and Orders.

(4) Any sum payable to the council under this section shall be applied by the council in the discharge of any outstanding mortgages securities debts or liabilities on capital account incurred by them for the purposes of their waterworks undertaking and after such discharge shall be applied to such capital purposes as the Minister of Health may approve or shall be invested by the council in any securities in which trustees are authorised to invest trust moneys and the interest dividends or other annual proceeds of such investments shall be credited to the contributory parish of Hartley Wintney.

(5) The powers of purchase and sale contained in this section shall not be exercised except with the consent of the Minister of Health and if any objections to the giving of such consent are made by any local authority in the limits of supply and are not withdrawn such consent shall not be given until a public inquiry has been held by the said Minister.

Agreements
as to rights
in river
Whitewater.

45. The Company and any person interested in the waters of the river Whitewater may enter into and carry into effect agreements for the sale or lease to the Company of the interest of such person in the waters of the said river.

Rates
leviable
half-yearly.

46.—(1) Notwithstanding anything in the Waterworks Clauses Act 1847 or in any Act or Order from time to time relating to the Company the water rates rents and charges leviable by the Company shall if the Company 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.

(2) Every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises provided that he shall have given to the Company seven days' previous notice in writing of his intention to quit the same and if any such person shall have

paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Company. Notice of the effect of this subsection shall be endorsed on every demand note for any such rate or charge.

A.D. 1933.

(3) Every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

47. The Company may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per centum. Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers. Provided also that if and so long as the Company allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for water rates.

Discount for prompt payment of water rates.

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

Charges for supplies for refrigerating apparatus &c.

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

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

(2) Where a person who takes a supply of water for domestic purposes from the Company uses any water so supplied for flushing regenerating motive power or similar purposes in connection with any apparatus used for softening water he shall pay such additional charge as the Company may require not exceeding ten per centum of the aggregate sums payable by him in respect of that supply of water. Provided that no

A.D. 1933. — such additional charge shall be payable if one such apparatus only is used and the water softened thereby is drawn off at one point only and is used solely for purposes for which the domestic rate is paid.

Charges for horses and washing vehicles.

49.—(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 standpipe or tap be fixed on such premises charge (except where the water so used is taken by meter) such sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding five shillings per annum for each motor car beyond the first :

Provided that if a hosepipe or other similar apparatus be used in connection with the said standpipe or tap the Company may charge an additional sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further additional sum not exceeding five shillings per annum for each motor car beyond the first.

(2) Any sums chargeable under this section shall be in addition to the rates authorised 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.

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

As to supply to farmhouses.

50.—(1) 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. A.D. 1933.
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(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 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.

51. The price to be charged by the Company for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons. Provided that the Company shall not be required to afford any supply of water by meter for a less sum (exclusive of meter rent) than fifteen shillings per quarter except as provided by subsection (1) of the section of this Act of which the marginal note is "Charges for supplies for refrigerating apparatus &c." Price of supply by meter.

52.—(1) For a period of five years from the date of transfer the rates and charges from time to time made by the Company in the existing limits and in the Wokingham limits respectively shall (subject to the alterations in the charges made for baths and water-closets consequent upon the passing of this Act) bear the same proportion to each other as the rates and charges made for water supplied in those limits respectively on the first day of January one thousand nine hundred and thirty-three bear to each other and after the expiration of the said period the said proportion shall be maintained until varied under subsection (2) of this section. As to rates and charges.

(2) At any time after the expiration of the said period of five years the mayor aldermen and burgesses of the borough of Wokingham the Wokingham Rural District Council or the Easthampstead Rural District Council may apply to the Minister of Health and the said Minister (after giving to the Company and to every local authority any part of whose county borough or district is within the limits of supply an opportunity of being heard) may by order vary the proportions of the rates and charges made within the existing limits and the Wokingham limits respectively or require that

A.D. 1933. — the rates and charges throughout the limits of supply shall be uniform.

Revision of rates and charges.

53.—(1) At any time after the expiration of five years from the date of transfer the Company or any local authority having jurisdiction within the limits of supply or the council of any county in which any part of the limits of supply is situate may apply to the Minister of Health for a revision of the rates and charges for the supply of water authorised by the *Frimley and Farnborough District Water Acts and Orders 1893 to 1933* or for the time being in force under any order of the said Minister made in pursuance of this section and if and whenever any such application is so made and the said Minister is satisfied that the cost of labour and materials or other circumstances affecting the undertaking has substantially altered he may by order (subject to the provisions of subsection (4) hereof) vary either by way of increase or decrease such rates and charges or any of them and such order shall fix the date on which the rates and charges so varied shall come into force. Provided that in the absence of exceptional circumstances the said Minister shall not vary any of the said rates and charges at less intervals than five years.

(2) The making of any new valuation list under the *Rating and Valuation Act 1925* or any Act amending that Act shall be deemed to be a circumstance affecting the undertaking within the meaning and for the purposes of this section.

(3) By any order made under this section the Minister may alter the basis of any of such rates and charges as aforesaid and (subject to the provisions of the section of this Act of which the marginal note is "As to rates and charges") the ratio of any particular rates and charges to any other or others of them and may (inter alia) if he thinks fit revoke any charges for baths or any other special charges relating to the supply of water for domestic purposes and authorise a rate or rates throughout the limits of supply for a supply of water for domestic purposes without extra charges.

(4) The rates and charges prescribed by any order made under this section shall be of such respective amounts as to provide (after paying all proper expenses

of and in connection with the working management and maintenance of the undertaking and making good depreciation and providing for any reasonable contribution which the Company may carry to any contingency or reserve fund formed under the provisions of this or any other Act them so enabling and paying all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the share capital of the Company due regard being had to any capital which may be reasonably expected to be expended by the Company during the five years immediately following the date of such order.

A.D. 1933.

(5) After the expiration of five years from the date of transfer the Water Undertakings (Modification of Charges) Act 1921 shall cease to apply to the Company.

54.—(1) Notwithstanding anything in any Act relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take a supply of water by meter and to pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them 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 Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

Special
terms for
supplies to
caravans
shacks &c.

(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 whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

55. Section 15 (Period of error in defective meter) of the Act of 1927 shall be read and have effect as if the words "in the case of a surcharge" were inserted therein before the words "shall be recoverable."

Amend-
ment of
section 15
of Act of
1927.

A.D. 1933.

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

56.—(1) In the case of all premises connected after the passing of this Act with the mains of the Company the Company may in cases where the communication pipes are laid by the person requiring the supply or by the Company at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position as near as is reasonably possible to the point at which such pipe passes the boundary of the street or to the point at which such pipe enters the said premises in or under the street whichever of those points is the nearer to the main of the Company from which the supply is given to the said premises and if such person fails to comply with such requirement the Company may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises within the limits of supply the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Company may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street within the limits of supply execute such works on behalf of such person and any proper expenses incurred by the Company in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

As to streets
and roads
forming
boundary
of limits of
supply.

57. Where the limits of supply are bounded by or abut upon any street or road outside such limits the Company may for the purpose of supplying water to the owner or occupier of any premises abutting upon such street or road and being within such limits exercise with respect to such street or road the like powers of breaking

A.D. 1933.

up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets or roads within the said limits and subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipes or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Company and his premises and of opening and breaking up so much of the pavement of the street and any sewer or drain therein as shall be between such main or pipe and his premises as if such street or road were within the limits of supply Provided that nothing in this section shall entitle or require the Company to supply water to the owner or occupier of any premises abutting upon any such street or road as aforesaid and being outside the limits of supply.

58. 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 Provided that 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.

59. Section 9 (Guarantees by district councils) of the Act of 1915 shall be read and have effect as if the following had been added at the end of that section :—

As to guarantees by district councils.

“ Provided that subject to the provisions of the Local Government Act 1929 any expenditure 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.

“ (3) Nothing in this section shall be deemed to authorise any such urban or rural district council to use any water supplied by the Company

A.D. 1933.

under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of supply and within the limits for the supply of water of any other authority supplying water under parliamentary authority without the consent of such other authority."

Power to local authorities to guarantee on behalf of owners and occupiers.

60. Any requisition which may be made under section 35 of the Waterworks Clauses Act 1847 as amended by the Act of 1927 by owners or occupiers of houses requiring a supply of water may be made by the local authority of the district 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.

Power to Company to raise additional capital.

61. In addition to the capital already authorised to be raised by the Company and the capital created by the section of this Act of which the marginal note is "Creation of shares of Company for purposes of transfer" the Company may from time to time raise additional capital not exceeding in the whole seventy 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 :

Provided that the Company shall not under the powers of this Act—

- (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 seventy thousand pounds :

Provided also that section 16 (New shares or stock to be sold by auction or tender) of the Frimley and Farnborough District Water Order 1931 shall be applicable to the additional share capital authorised by this Act.

62. The Company shall not in any year declare or make out of their profits any larger dividend on the additional capital authorised by the section of this Act of which the marginal note is "Power to Company to raise additional capital" 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 six 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.

A.D. 1933.
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Limits of dividend on additional capital.

63.—(1) In addition to any other sums which they are authorised by the Frimley and Farnborough District Water Acts and Orders 1893 to 1931 to borrow the Company may subject to the provisions of this Act 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 Act.

Power to borrow.

(2) No sum shall be borrowed in respect of any capital so raised until the Company 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.

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

64. The Company may create and issue debenture stock subject to the provisions of section 13 (which gives power to create debenture stock) of the Frimley and Farnborough District Water Act 1893.

Debenture stock.

65. All moneys raised or to be raised by the Company on mortgage or by debenture stock under the provisions of the Frimley and Farnborough District Water Acts and Orders 1893 to 1933 shall have priority against the Company and the property from time to time of the Company

Priority of mortgages over other debts.

A.D. 1933. over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act:

Provided that this priority shall not affect any claim against the Company or their property in respect of—

- (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 Company 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 Company for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Priority of existing mortgages.

66. The principal moneys secured by all mortgages or debentures granted by the Company before the passing of this Act and subsisting at the passing thereof and the debentures of the Wokingham Company for which the liability is taken over by the Company under the section of this Act of which the marginal note is "Company to take over debentures of Wokingham Company" shall during the continuance of such mortgages and debentures respectively and subject to the provisions of the Act or Order under which such mortgages were respectively granted and the said section of this Act have priority over all mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company except that the interest on the said debentures of the Wokingham Company shall rank *pari passu* with any rentcharges and the interest on any debentures of the Company existing immediately before the date of transfer.

Appointment of receiver.

67. Section 33 of the Act of 1927 (which relates to the appointment of a receiver) shall extend to mortgages of the Company in respect of mortgages granted under this Act.

68. All moneys raised under this Act or any other Act or Order relating to the Company including premiums after deducting from such moneys the expenses of and incidental to the issue of shares or stock under the provisions of any such Act or Order 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 shall not be considered as part of the capital of the Company entitled to dividend : A.D. 1933.
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Application
of moneys.

Provided that in any case where 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 such purpose be reckoned as part of the paid-up or nominal capital.

69. It shall not be lawful for the Company to carry forward at the end of any 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 Company for paying any dividend or interest which the Company 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 Company would be lawfully 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 Company will be required to pay during the next following year as interest on any mortgages debentures or debenture stock.

70.—(1) The directors may (if they think fit) in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of subsections (2) and (3) of this section) and any sums so set apart may from time to time be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest The fund so formed shall form a reserve fund to answer Reserve
fund.

A.D. 1933. — any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Company and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by the said subsection (3) and so from time to time as often as such reduction shall happen. Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim or demand within the meaning of this section.

(2) The amount which may be carried by the Company in any year to the reserve fund shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised other than loan capital.

(3) The amount standing to the credit of the reserve fund shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised other than loan capital and whenever and so long as the reserve fund amounts to such sum the interest and dividends on the reserve fund shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

Limit on contingency fund.

71.—(1) The amount which may be carried by the Company in any year to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised other than loan capital.

(2) The amount standing to the credit of such contingency fund shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised other than loan capital.

Power to grant pensions &c.

72.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they may think fit to any employee or the personal representative of any employee or (where in any particular case no adequate provision is in their opinion otherwise made) to the widow or

family or any dependant of an employee and they may establish and maintain a fund out of which such gratuities pensions allowances and payments may be granted or made. A.D. 1933.

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

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

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

73.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary with regard to the giving of any consents under any Act or Order from time to time relating to the Company and the inspectors of the said Minister shall for the purposes of such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875. Inquiries by
Minister
of Health.

(2) Any expenses incurred by the Minister of Health in relation to any inquiry under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector shall be paid by and recoverable from the Company or the local authority objecting or partly from the one and partly from the other as the Minister of Health may determine.

74. Where the payment of more than one sum by any person is due under any one or more of the Acts or Orders from time to time relating to the Company any summons or warrant issued for the purposes of any one or more of such Acts or Orders in respect of that Contents of
summons
&c.

A.D. 1933. person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Copy of
Act to be
registered.

75. 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 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.

For pro-
tection of
certain
railway
companies.

76.—(1) For the benefit and protection of the Southern Railway Company and of the Great Western Railway Company (each of whom is in this section respectively referred to as "the railway company") the provisions of section 32 (For protection of London and South Western Railway Company) of the Frimley and Farnborough District Water Act 1909 shall extend and apply to the exercise by the Company of the powers conferred upon them by this Act and with respect to any works to be executed by the Company in the exercise of such powers as if the words "the railway company" had been inserted in the said section in lieu of the words "the London and South Western Railway Company" and "the South Western Company" respectively. Provided that for the purposes of such application the said section shall be read and have effect as if in subsection (5) thereof the words "in the exercise of their existing powers" were inserted after the words "South Western Company" where they first occur in that subsection.

(2) The Company shall not exercise the powers conferred upon them by section 54 (Power to lay pipes in streets not dedicated to public use) of the said Act of 1909 in respect of any street for the time being

belonging to and forming the approach to any station or depôt of the railway company without the consent of the railway company but such consent shall not be unreasonably withheld. A.D. 1933. —

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

The Act of 1915—

Section 10 (Supply of water by hosepipe to stables &c.);

Section 39 (Restriction on raising capital).

The Act of 1927—

Section 43 (Power to grant pensions &c.);

Section 45 (Contents of summons &c.).

The Frimley and Farnborough District Water Order 1931—

Section 11 (Stopcocks to be fitted in communication pipes).

(2) The Frimley and Farnborough District Water Company (Modification of Charges) Order 1923 is hereby annulled but without prejudice to anything done thereunder.

78. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

The SCHEDULES referred to in the foregoing Act.

A.D. 1933.

THE FIRST SCHEDULE.

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

[Ch. xxxiv.] *Frimley and Farnborough District Water Act, 1933.* [23 & 24 GEO. 5.]

	Nature of capital.	Amount authorised.		Total realised.		Remaining to be issued.	
		£.	s. d.	£.	s. d.	£.	s. d.
SHARE CAPITAL.							
Act of 1893	-	36,000	0 0	36,000	0 0	-	-
Wey Valley Frimley and Farnham Water Act 1898	-	15,000	0 0	19,018	5 0	-	-
Frimley and Farnborough District Water Order 1901	-	29,000	0 0	29,000	0 0	-	-
Frimley and Farnborough District Water Order 1904	-	50,000	0 0	50,000	0 0	-	-
Act of 1909	-	70,000	0 0	70,000	0 0	-	-
Act of 1915	-	40,000	0 0	40,000	0 0	-	-
Order of 1931	-	100,000	0 0	30,691	16 6	69,308	3 6
		£340,000	0 0	274,710	1 6	69,308	3 6
LOAN CAPITAL.							
Act of 1893	Rentcharges capitalised @ 5% 3½% Perpetual Debenture	9,000	0 0	380	0 0	-	-
Wey Valley Frimley and Farnham Water Act 1898	3½% Perpetual Debenture	3,750	0 0	8,620	0 0	-	-
Frimley and Farnborough District Water Order 1901	3½% Perpetual Debenture	7,250	0 0	3,862	10 0	-	-
Frimley and Farnborough District Water Order 1904	3½% Perpetual Debenture	12,500	0 0	6,965	0 0	-	-
Act of 1909	Rentcharge capitalised @ 5% 3½% Perpetual Debenture	17,500	0 0	11,902	3 3	-	-
				240	0 0	-	-
				10,566	18 5	-	-
Act of 1915	6% Perpetual Debenture	10,000	0 0	11,546	5 8	3,000	12 6
Frimley and Farnborough District Water Company (Capital Issues) Consent 1921.	6% Perpetual Debenture	30,000	0 0	34,307	0 0	-	-
Frimley and Farnborough District Water (Capital Issues) Consent 1925.	6% Perpetual Debenture	16,996	6 10	20,395	12 2	-	-
Act of 1927	6% Maximum Perpetual Debenture	13,003	13 2	6,766	2 4	7,143	13 2
Order of 1931	6% Maximum Perpetual Debenture	50,000	0 0	-	-	50,000	0 0
		£170,000	0 0	115,551	11 10	60,144	5 8

THE SECOND SCHEDULE.

A.D. 1933.

WOKINGHAM LIMITS.

County of Berks—

The borough of Wokingham.

The parishes of Binfield Easthampstead and Warfield in the rural district of Easthampstead.

The parish of Wokingham Without in the rural district of Wokingham and so much of the parish of Finchampstead in that district as is situate to the east of the Finchampstead Road and to the north of Nine Mile Ride and the adjoining portions of the said roads.

THE THIRD SCHEDULE.

SECTIONS OF WOKINGHAM ORDERS AMENDED AND
SAVED FROM REPEAL.

WOKINGHAM DISTRICT WATER ORDER 1878.

10. The Undertakers may, on the lands shown on the deposited plans, when the necessary powers over the same have been acquired by them, make and maintain, in the line and according to the levels shown on the deposited plans and deposited sections, the works hereinafter described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

Power to
construct
waterworks
and supply
water.

The works authorised by this Order are as follows :

1. A well and pumping station and shaft or boring, with pumping engine, engine and boiler houses, and other works, buildings, and conveniences, to be situated in the field in the parish of Wokingham numbered 302 on the Ordnance 25 inch map of that parish, such field being bounded on the north by Emm Brook, on the south by the road leading from Finchampstead to Wokingham, and on the west by the Reading Guildford and Reigate branch of the South-Eastern Railway.
2. A well and pumping station and shaft or boring, with pumping engine, engine and boiler houses, and other works, buildings, and conveniences, to be situated in

A.D. 1933.

the brickfield in the parish of Wokingham numbered 332 on the Ordnance 25 inch map of that parish, such field being contiguous to and on the east side of the road leading from Finchampstead to Wokingham, and between the Staines, Wokingham, and Woking Railway and the gasworks.

3. A conduit, aqueduct, or line of pipes commencing in the parish of Wokingham at the well and pumping station firstly and secondly before described, thence passing along and under the said road leading from Finchampstead to Wokingham, and along and under Denmark Street, Market Place, and Peach Street, in Wokingham, and thence in an easterly direction along and under the main road from Wokingham to Bracknell, and terminating in the parish of Binfield near the Old Windmill in the field numbered 724 on the Ordnance 25 inch map of Binfield parish.
4. A reservoir or reservoirs to be situated in the said field numbered 724 in the parish of Binfield, at or near the termination of the conduit, aqueduct, or line of pipes last before described.

Period for completion of works.

12. subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Rates for supply for domestic purposes.

16. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum hereinafter specified; (that is to say,)

Where the annual rackrent or value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence :

Where such rackrent or value exceeds five pounds and does not exceed ten pounds the sum of sixteen shillings :

Where such rackrent or value exceeds ten pounds and does not exceed fifteen pounds the sum of twenty-four shillings :

Where such rackrent or value exceeds fifteen pounds and does not exceed twenty pounds the sum of thirty-two shillings :

Where such rackrent or value exceeds twenty pounds and does not exceed twenty-five pounds the sum of thirty-nine shillings :

Where such rackrent or value exceeds twenty-five pounds and does not exceed thirty pounds the sum of forty-six shillings :

Where such rackrent or value exceeds thirty pounds and does not exceed thirty-five pounds the sum of fifty-three shillings :

Where such rackrent or value exceeds thirty-five pounds and does not exceed forty pounds the sum of sixty shillings :

Where such rackrent or value exceeds forty pounds and does not exceed forty-five pounds the sum of sixty-six shillings :

Where such rackrent or value exceeds forty-five pounds and does not exceed fifty pounds the sum of seventy-two shillings :

Where such rackrent or value exceeds fifty pounds and does not exceed fifty-five pounds the sum of seventy-eight shillings :

Where such rackrent or value exceeds fifty-five pounds and does not exceed sixty pounds the sum of eighty-four shillings :

Where such rackrent or value exceeds sixty pounds and does not exceed sixty-five pounds the sum of eighty-nine shillings :

Where such rackrent or value exceeds sixty-five pounds and does not exceed seventy pounds the sum of ninety-four shillings :

Where such rackrent or value exceeds seventy pounds and does not exceed seventy-five pounds the sum of ninety-nine shillings :

Where such rackrent or value exceeds seventy-five pounds and does not exceed eighty pounds the sum of one hundred and four shillings :

Where such rackrent or value exceeds eighty pounds and does not exceed eighty-five pounds the sum of one hundred and eight shillings :

Where such rackrent or value exceeds eighty-five pounds and does not exceed ninety pounds the sum of one hundred and twelve shillings :

Where such rackrent or value exceeds ninety pounds and does not exceed ninety-five pounds the sum of one hundred and sixteen shillings :

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Where such rackrent or value exceeds ninety-five pounds and does not exceed one hundred pounds the sum of one hundred and twenty shillings :

Where such rackrent or value exceeds one hundred pounds at a rate per centum not exceeding six pounds.

Rates for
baths.

17. The Undertakers may charge
 for every bath an additional sum not exceeding ten shillings per annum and such additional sums may be received with and as part of or recovered by the same means as the rate for the supply of water for domestic purposes : Provided always that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths.

WOKINGHAM DISTRICT WATER ORDER 1926.

Power to
take water.

14. The Undertakers may subject to the provisions of this Order take and collect by means of the works by this Order authorised to be maintained constructed and used for the purposes of their undertaking the waters of or arising in or flowing from any springs or waters situate in on or under the lands upon which those works are situate.

Confirmation
of existing
works.

16. The Undertakers may maintain continue alter improve enlarge extend renew reconstruct and repair the following existing works in the county of Berks constructed by them (that is to say) :—

Work No. 1 A well and pumping station in the parish of Wokingham Without situate at Toutley in the north-west corner of the field numbered 299 on the 1/2500 Ordnance Map of the said parish (1899 edition) Sheet No. XXXVIII.11;

Work No. 2 A service reservoir in the parish of Binfield situate at Coppid Beech Hill in the field numbered 436 on the 1/2500 Ordnance Map of the said parish (1899 edition) Sheet No. XXXVIII.16 to the south of the existing reservoir authorised by the Order of 1878;

Work No. 3 A service reservoir in the parish of Binfield situate at Coppid Beech Hill in the said field numbered 436 on the said Ordnance Map of the said parish situate to the north of the said reservoir authorised by the Order of 1878;

Work No. 4 A service reservoir in the parish of Binfield situate at Coppid Beech Hill in the said field numbered 436 on the said Ordnance Map of the said parish situate to the north of the said reservoir Work No. 3:

Together with all conduits mains connections branch mains filters pumps tanks goits culverts embankments cuts drains

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Farnborough District Water Act, 1933.

sluices walls fences water towers engines machinery pipes meters valves hydrants washouts and other appliances which may have been constructed on the lands referred to in this Article. A.D. 1933.

32. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Undertakers be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense. Amendment of section 35 of Waterworks Clauses Act 1847.

WOKINGHAM DISTRICT WATER ACT 1932.

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. Cisterns to be provided for high level supplies.

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