

[24 & 25 GEO. 5.] *Sunderland and* [Ch. lxxiv.]  
*South Shields Water Act, 1934.*



## CHAPTER lxxiv.

An Act to extend the periods for the completion of certain works to confer additional powers on the Sunderland and South Shields Water Company and for other purposes. A.D. 1934.

[25th July 1934.]

**W**HEREAS the Sunderland and South Shields Water Company (in this Act referred to as "the Company") were incorporated by the Sunderland and South Shields Waterworks Act 1852 and are by the Sunderland and South Shields Water Acts 1852 to 1922 empowered to supply water within the limits and to the extent mentioned in the said Acts :

And whereas by the Durham County Water Board Act 1920 the Durham County Water Board (in this Act referred to as "the board") was established and provision was made for the transfer to the board of the undertaking of the Weardale and Consett Water Company and the board was authorised to supply water in certain limits in the counties of Durham and Northumberland more particularly described in the said Act of 1920 :

And whereas by the Durham County Water Board Act 1922 (in this Act referred to as "the board's Act of 1922") the board was authorised to construct a reservoir to be called the Burnhope reservoir and to make provision for supplies of water to be afforded by means thereof to the board and to the Company :

[Price 1s. 0d. Net.]

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— And whereas by the Sunderland and South Shields Water Act 1922 (in this Act referred to as “the Act of 1922”) the Company were authorised to make certain new works described in the said Act and the rights and powers conferred by the board’s Act of 1922 in regard to Works Nos. 12 to 18 therein described were vested in and made exerciseable by the Company :

And whereas the board is promoting in the present session of Parliament a Bill for an Act to extend the period for the completion of the Burnhope reservoir and other works :

And whereas it is expedient that the respective periods limited for the completion of the said Works Nos. 12 to 18 authorised by the board’s Act of 1922 and Works Nos. 1 3 and 4 authorised by the Act of 1922 should be extended as in 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 the objects of this Act cannot be attained without the authority of Parliament :

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

Short and collective titles.

1. This Act may be cited as the Sunderland and South Shields Water Act 1934 and the Sunderland and South Shields Water Acts 1852 to 1922 and this Act may be cited together as the Sunderland and South Shields Water Acts 1852 to 1934.

Incorporation of Acts.

2.—(1) 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) so far as the same are applicable for the purposes of this Act and are not inconsistent with the Sunderland and South Shields Water Acts 1852 to 1934 are hereby incorporated with this Act.



(2) Notwithstanding anything contained in the A.D. 1934.  
Sunderland and South Shields Water Acts 1852 to 1934  
sections 76 to 79 (both inclusive) of the Waterworks  
Clauses Act 1847 shall cease to apply to the Company. —

3. In this Act unless there be something in the Inter-  
subject or context repugnant to such construction the pretation.  
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 Sunderland and South  
Shields Water Company;

“ The board ” means the Durham County Water  
Board;

“ The Act of 1891 ” means the Sunderland and  
South Shields Water Act 1891;

“ The Act of 1921 ” means the Sunderland and  
South Shields Water Act 1921;

“ The Act of 1922 ” means the Sunderland and  
South Shields Water Act 1922;

“ The board’s Act of 1922 ” means the Durham  
County Water Board Act 1922;

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

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

“ Gross value ” has the meaning assigned to that  
expression by the Rating and Valuation Act  
1925 and for the purposes of the Sunderland  
and South Shields Water Acts 1852 to 1934  
shall be ascertained by the valuation list in  
force at the commencement of the last preceding  
quarter for which the water rate accrues pro-  
vided that where the gross value of any premises  
does not appear in the valuation list it shall  
be assessed by the Company and such assess-  
ment shall have effect until the commencement  
of the quarter next after that quarter during  
which the gross value has been finally deter-  
mined for the purposes of and inserted in the  
valuation list.

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Extension  
of time for  
completion  
of certain  
works under  
board's  
Act of 1922.

4. The period limited by section 22 (Period for completion of works) of the board's Act of 1922 for the completion of Works Nos. 12 to 18 inclusive by that Act authorised (the powers in respect of which works were vested in and made exerciseable by the Company by the Act of 1922) is hereby extended until the fourth day of August one thousand nine hundred and forty-five and the board's Act of 1922 shall be read and have effect as if the said period as so extended had been the period limited by the board's Act of 1922 for the completion of the said works.

Extension  
of time for  
completion  
of certain  
works under  
Act of 1922.

5. The period limited by section 7 (Period for completion of works) of the Act of 1922 for the completion of Works Nos. 1 3 and 4 by that Act authorised is hereby extended until the fourth day of August one thousand nine hundred and forty-five and the Act of 1922 shall be read and have effect as if the period limited by this section had been the period limited by the Act of 1922 for the completion of the said works.

Temporary  
discharge  
of water  
into  
streams &c.

6.—(1) For the purpose of constructing enlarging extending altering repairing emptying cleansing or examining any of the waterworks of the Company as from time to time existing the Company may cause the water in any such waterworks to be temporarily discharged into any available stream or watercourse and for that purpose the Company may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish :

Provided also that nothing in this section shall authorise the Company to lay down any discharge pipes in through across or under any road or bridge or approach belonging to and repairable by the London and North Eastern Railway Company except with the consent in writing of such company which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to arbitration.



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(2) In the exercise of the powers conferred by this section the Company shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by the exercise of such powers the amount of such compensation to be determined in default of agreement by arbitration. A.D. 1934.

(3) The powers of this section shall not be exercised so as to damage or injuriously affect the railways or works of the London and North Eastern Railway Company.

7.—(1) Notwithstanding anything in the Lands Clauses Acts the Company may retain hold and use for the purposes of the undertaking for such time as they think fit any lands for the time being belonging to them and may from time to time sell lease exchange or otherwise dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease exchange or disposition may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. Power to retain sell &c. lands.

(2) Nothing in this section contained shall release the Company or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Company or any person from or through whom the Company may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like

A.D. 1934. — manner and to the same extent as if this Act had not been passed.

Amendment  
of section 32  
of Act of  
1921.

8. Section 32 (Revision of rates) of the Act of 1921 shall be read and have effect as if the words “ and charges ” were inserted after the word “ rates ” wherever that word occurs in that section and as if the following proviso were substituted for the first proviso to that section :—

“ Provided that 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 providing for any contribution which the Company may carry to any contingency fund formed under the provisions of this Act and paying all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the capital stock 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 ” ;

and as so altered shall apply and have effect with respect to the rates and charges for the supply of water authorised by the Act of 1921 (as amended by this Act) and by this Act.

Sale of  
stock by  
auction or  
tender.

9.—(1) All ordinary or preference stock issued by the Company after the passing of this Act shall subject to the provisions of this Act be issued in accordance with the provisions of this section.

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

Provided as follows :—

(a) Notice of the intended sale shall be given in writing to the town clerk of each borough and to the clerk to the district council of every district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days



before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply; A.D. 1934.

- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister of Health not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) In the case of a sale by auction no lot offered for sale shall comprise stock of greater nominal value than one hundred pounds;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company;
- (e) In the case of a sale by auction a bid (other than a first bid) shall not be recognised unless it is in advance of the last preceding bid; and
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within thirty days after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary and preference stock of the Company in accordance with the provisions of sections 18 to 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of

A.D. 1934. water supplied by the Company in such proportions as the directors may think fit or to one or more of those classes of persons only :

Provided that in the case of an offer to holders of stock if the aggregate amount of stock applied for shall exceed the aggregate amount so offered the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and is not sold may be disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

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

As to  
authorised  
but  
unissued  
capital and  
dividends  
thereon.

**10.** Notwithstanding anything contained in any Act or Order relating to the Company the Company may create and issue as new ordinary or new preference stock with a dividend at such rate (not exceeding in the case of the new ordinary stock six pounds per centum per annum and in the case of the new preference stock five pounds per centum per annum) as the directors may determine at the time or times of the issue thereof any capital which the Company are by the Act of 1921 and by the Act of 1922 authorised to create and issue as consolidated ordinary or consolidated preference stock and which the Company have not at the passing of this Act created and issued but the Company shall not create and issue after the passing of this Act any consolidated ordinary stock with a dividend exceeding six pounds per centum per annum or any consolidated preference stock with a dividend exceeding five pounds per centum per annum.

Provisions  
as to sale  
of stock and

**11.**—(1) Notwithstanding anything contained in the section of this Act of which the marginal note is “Sale of stock by auction or tender” the Company,



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with the approval of the Minister of Health may when ordinary or preference stock of the Company are or is to be issued (and whether or not the then existing ordinary or preference stock are or is at a premium) before offering the stock so to be issued for sale by auction or tender—

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—  
payment of  
commis-  
sions.

- (a) offer the stock to the consumers of water supplied by the Company and persons in the employ of the Company at not less than the then value thereof;
- (b) offer for subscription by the public free from the provisions of the said section of this Act any stock to be so issued as aforesaid; and
- (c) on the offer for sale or subscription by the public of any stock to be so issued as aforesaid or any debenture stock to be issued by the Company after the passing of this Act pay a commission not exceeding three per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such stock or procuring or agreeing to procure subscriptions whether absolute or conditional for such stock Provided that the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the offer for sale or inviting subscriptions for such stock.

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

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A.D. 1934. — stock shall be offered be lower than five per centum below such average market price.

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

Redeem-  
able  
preference  
stock and  
debenture  
stock.

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

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

“issue” includes re-issue;

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

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

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

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

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

Provided that—

(a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Company are for the time



being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued; and

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

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

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

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

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

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

(7) Any preference stock issued solely in substitution for redeemable stock shall not be subject to the provisions of the section of this Act of which the marginal note is "Sale of stock by auction or tender."

Limitation  
on carry  
forward.

**13.** It shall 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 not exceeding the total of the following amounts (that is to say) :—

(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 bonds mortgages debentures or debenture stock and to the board in pursuance of section 63 (As to construction and maintenance of works) of the board's Act of 1922.

Reserve  
fund.

**14.—**(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 the section of this Act of which the marginal note is "Limit on reserve and contingency funds") and any sums so set apart may from time to time be invested in any securities in which trustees are authorised by law to invest money or in such other manner as shall be authorised by a resolution of the directors 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 any deficiency which may at any time happen or have happened 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 section of this Act of which the marginal note is "Limit on reserve and contingency funds" 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.

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(2) Save as in this section provided no sum shall in any year be carried by the Company to any reserve fund.

**15.**—(1) The directors may if they think fit in any year appropriate out of the revenue of the undertaking as part of the expenditure on revenue account such sum as they may determine (subject to the provisions of the section of this Act of which the marginal note is "Limit on reserve and contingency funds") to a fund to be called "the contingency fund" which fund shall be applicable to meet contingencies or for renewing repairing or improving the works connected with the undertaking or any part thereof.

Contingency fund.

(2) Any balance standing to the credit of the contingency fund of the Company at the passing of this Act shall forthwith be carried by the Company to the credit of the contingency fund authorised by this section.

(3) As from the passing of this Act section 122 of the Companies Clauses Consolidation Act 1845 shall cease to apply to the Company.

**16.**—(1) The aggregate amount which may be carried in any year to any reserve fund formed in pursuance of the section of this Act of which the marginal note is "Reserve fund" and to any contingency fund formed in pursuance of the section of this Act of which the marginal note is "Contingency

Limit on reserve and contingency funds.

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A.D. 1934. fund" shall not together exceed a sum equal to one per centum of the amount expended on capital account for the time being by the Company.

(2) The aggregate amount standing to the credit of any such reserve fund and contingency fund of the Company as aforesaid shall not together at any time exceed a sum equal to ten per centum of the amount expended on capital account for the time being by the Company.

Amendment  
of section 35  
of Water-  
works  
Clauses  
Act 1847.

17. Section 35 of the Waterworks Clauses Act 1847 shall in its application to the Company be read and have effect as if the words "one-eighth part" were substituted therein for the words "one-tenth part."

Amendment  
of section 22  
of Act of  
1891.

18.—(1) Section 22 (For protection of corporations of Sunderland South Shields and Jarrow) of the Act of 1891 as amended by section 34 (Amendment of section 22 of Act of 1891) of the Act of 1921 (which section as so amended is hereinafter in this section referred to as "the said section") shall be read and have effect in all respects as if the Hebburn Urban District Council the Easington Rural District Council and the South Shields Rural District Council were referred to therein in addition to the mayor aldermen and burgesses of the boroughs of Sunderland South Shields and Jarrow respectively and the expression "the corporations" shall for the purposes of the said section and of this section be read and construed accordingly.

(2) The said section as amended by subsection (1) of this section shall be deemed to extend so as to entitle the corporations or any of them from time to time to require the Company to continue to supply water thereunder for the purposes of the following public institutions (namely):—

The smallpox hospital of the North East Durham Joint Smallpox Hospital Board at Whiteleas;

The cemetery in the borough of Jarrow of the Jarrow and Monkton Joint Burial Committee.

(3) Nothing in this Act shall prejudice or affect the rights or interests of the corporations under the said section as amended by this section.



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

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

Supplies to houses partly used for trade &c.

(b) any public institution mental or other hospital (whether public or private) sanatorium nursing home school or similar institution club hotel restaurant public-house inn common lodging-house or public assembly hall; or

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

(2) The minimum quarterly charge (exclusive of meter rent) for a supply of water by meter to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same gross value.

20.—(1) Where a supply of water to a farmhouse is used for farming purposes the Company may require that such supply 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.

As to supply to farmhouses.

(2) The minimum amount to be paid for a supply of water in each quarter under the provisions of this section (exclusive of meter rent) shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same gross value.

21.—(1) The Minister of Health if he is satisfied that the owner or occupier of any premises outside the limits of supply desires to obtain a supply of water from the Company may on the application of the Company subject to the provisions of this section by

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

A.D. 1934. order authorise the Company to supply water to those premises on such conditions as may be specified in the order.

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

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

(4) (a) An order made under this section shall cease to have effect with respect to any premises when the local authority within whose area or the undertakers for the supply of water within whose limits of supply the premises are situate are able and willing to give a supply of water to such premises and give not less than three months' notice thereof to the Company.

(b) When such local authority or undertakers commence to supply water to any premises in pursuance of this subsection they shall pay to the Company such portion of the expenditure incurred by the Company within the area of the local authority or within the limits of supply of the undertakers as the case may be in giving a supply to the premises as may be agreed or failing agreement as may be determined by arbitration.

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

(6) The Company shall not in the exercise of any powers conferred by this section lay any mains in any lands or property belonging to the London and North Eastern Railway Company without the consent in writing of that company which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to arbitration.



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**22.** Every order made by the Minister of Health under the section of this Act of which the marginal note is "Supply of water by Company to premises outside limits of supply" shall be so framed as to secure that the provisions of section 28 (For protection of Durham County Council) of the Act of 1921 shall apply in relation to works constructed for affording a supply of water in pursuance of the said section. Provided that for the purposes of such application the said section shall be read and have effect as if in subsection (1) thereof the words "bridge vested in or repairable by the county council" were substituted for the words "county or main road bridge."

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—  
For  
protection  
of Durham  
County  
Council.

**23.** Notwithstanding anything in the section of this Act of which the marginal note is "Supply of water by Company to premises outside limits of supply" an order shall not without the consent of the Tees Valley Water Board be made under the said section authorising the Company to supply water in any area outside the limits of supply which is situate within the limits for the time being of the said Tees Valley Water Board for the supply of water or to any premises in such area.

For protec-  
tion of Tees  
Valley  
Water  
Board.

**24.** Notwithstanding anything in the section of this Act of which the marginal note is "Supply of water by Company to premises outside limits of supply" an order shall not without the consent of the Hartlepool Gas and Water Company be made under the said section authorising the Company to supply water in any area outside the limits of supply which is situate within the limits for the time being of the said Hartlepool Gas and Water Company for the supply of water or to any premises in such area.

For protec-  
tion of  
Hartlepool  
Gas and  
Water  
Company.

**25.—**(1) So soon as practicable and not later than the quarter day next after one year from the passing of this Act the provisions of section 30 (Rates for supply for domestic purposes) of the Act of 1921 shall be read and have effect as if the words "gross value as defined in " and ascertained under the Sunderland and South Shields Water Act 1934" were substituted for the words "annual rack rent or value" wherever such last-mentioned words occur in the said section.

Amendment  
of section 30  
of Act of  
1921.

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(2) From the passing of this Act the said section 30 shall be read and have effect as if the words "and for every outdoor bath bathing pool or pond" were inserted therein after the words "for every fixed bath capable of containing more than fifty gallons."

Amendment  
of section  
LXIII of  
Act of 1852.

**26.** Section LXIII (What shall be deemed domestic purposes) of the Sunderland and South Shields Waterworks Act 1852 shall be read and have effect as if the words "gross value as defined in and ascertained under the Sunderland and South Shields Water Act 1934" were substituted for the words "annual rack rent or value" wherever such last-mentioned words occur in the said section.

Rates  
payable by  
owners of  
small  
houses.

**27.—**(1) Where a house or building or part of a house or building supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the water rate payable in respect of such premises as from the usual quarter day occurring next after the expiration of twenty-eight days from the date upon which notice in writing of such determination shall have been given by the Company to the owner but such water rate may be recovered by the Company from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. The Company shall make to the owner of any such house or building or part of a house or building who pays the water rate due in respect of such premises before the expiration of one-half of the period in respect of which the water rate is charged or such later date as may be prescribed by the Company an allowance (in addition to any rebates or discounts for the time being allowed by the Company to consumers of water for domestic purposes) equal to two and a half per centum of the amount of such water rate after deducting therefrom the amount of any such rebates or discounts as aforesaid.



[24 & 25 GEO. 5.] *Sunderland and* [Ch. lxxiv.]  
*South Shields Water Act, 1934.*

(2) Nothing in this section shall limit or affect the operation of section 72 of the Waterworks Clauses Act 1847 as incorporated with the Sunderland and South Shields Water Acts 1852 to 1934. A.D. 1934.

**28.** Where a person who takes a supply of water for domestic purposes from the Company desires to use water for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water except water softening apparatus 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.

**29.**—(1) 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 any 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 supplies by hosepipe &c.

(2) Section 35 (Charges for hosepipes) of the Act of 1921 shall be read and have effect as if the words “(except where the water so used is taken by meter)” were inserted after the word “charge” in that section.

**30.** If a justice is satisfied on complaint by any collector of the Company that any person is quitting or about to quit any premises to which the Company supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the Company or the said collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Recovery of rates from persons removing.

A.D. 1934.

—  
Maintenance of  
common  
pipe.

**31.** Where several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the manager of the Company.

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

**32.** 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 in or under the street 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 any premises 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.

As to  
register of  
meters.

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



paid and the decision of such court shall be final and binding on all parties. A.D. 1934.

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

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

**35.** The Company may require that any dwelling-house or premises the erection of which is commenced after the passing of this Act and situate on land at a higher level than fifty feet below any part of the service reservoir or tank from which a supply of water is furnished or to be furnished by them to such dwelling-house or premises 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 or premises for a period of twenty-four hours and the Company shall not be required to supply any such dwelling-house or premises 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.

A.D. 1934.

—  
Extension  
of power  
to inspect  
premises.

**36.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times between the hour of nine o'clock in the forenoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

Penalty for  
interfering  
with valves  
&c.

**37.** Any person being the owner or occupier of any house or premises or part of a house or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

Water for  
extinguish-  
ing fires in  
refuse heaps  
&c. to be  
paid for.

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

Inspection  
&c. of rate  
books.

**39.—**(1) For the purpose of fixing from time to time the amount of any water rates or charges to be made by the Company any person authorised in writing by the secretary of the Company may inspect and take



copies of or make extracts from any valuation list or rate book relating to any house or building within the limits of supply and any person having the custody of any such list or book shall on a demand in writing signed by the secretary of the Company make and transmit to the Company copies thereof or extracts therefrom certified by him as correct and any person having the custody of any such list or book who refuses to permit such inspection or the taking of such copies or extracts or who refuses or neglects to make or transmit or certify such copies or extracts shall be liable on summary conviction to a penalty not exceeding five pounds. A.D. 1934.

(2) Any such certified copy or extract as aforesaid shall in all proceedings and for all purposes be admissible and received as sufficient evidence of the matters therein stated.

(3) Any person who is required on demand to make and transmit to the Company such certified copies or extracts as aforesaid shall within three months from the making of any demand in writing signed by the secretary of the Company for any such copy or extract transmit the same to the Company and any such person who refuses or neglects to transmit such copy or extract within the said period shall be deemed for the purposes of this section to have refused or neglected to transmit the same.

(4) The fee to be paid by the Company for any copy or extract supplied to them under the provisions of this section shall be a sum calculated at the rate of twelve shillings and sixpence for every hundred entries numbered separately or the sum of one shilling and sixpence whichever shall be the greater.

40.—(1) The directors may grant such gratuities pensions and allowances or make such other payments as they may think fit to 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. Pensions &c.

(2) The directors may if they think fit establish and maintain a fund to be called "the pensions fund" and pay out of the pensions fund gratuities of any sum or pensions or other allowances or benefits to any such employee widow family or dependant and the pensions

A.D. 1934. fund shall be applicable only to the payment of such gratuities pensions allowances and benefits and for no other purpose whatsoever.

(3) The directors may prepare put in force and from time to time modify alter or rescind a scheme prescribing the terms and conditions upon which employees or any class of employees may become contributors to the pensions fund and the contributions to be made by employees and the gratuities pensions allowances or benefits to which such contributors shall be entitled :

Provided that no modification alteration or rescission of any such scheme shall have any retrospective effect so as to deprive any employee of any benefit accrued due to him under such scheme prior to the date of such modification alteration or rescission.

(4) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant such gratuities pensions allowances or benefits as are by this section authorised to be granted or made.

(5) 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.

(6) The directors may for all or any of the purposes of this section including the purpose of maintaining the pensions fund at an adequate amount apply set aside invest and accumulate the revenues of the Company :

Provided that the amount so applied set aside invested and accumulated for the purpose of maintaining the pensions fund shall not exceed such sums as the Company may be advised is actuarially necessary for the purposes of any scheme established by the directors under subsection (3) of this section.

(7) No pensions fund established under this section shall come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.



41. All ordinary meetings of the Company shall be held yearly in the month of February in every year at the principal office of the Company or in such other month or at such other place as shall be from time to time appointed for that purpose by an order of the directors.

A.D. 1934.  
—  
Ordinary meetings.

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

Contracts &c. not to disqualify for office of director.

43. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 the Company may substitute for the shareholders' address book provided under that section a card or other index containing the names and addresses of the several stockholders of the Company and that section in its application to the Company shall be read and have effect accordingly.

Substitution of card index for shareholders' address book.

44. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary after the passing of this Act to authenticate the register

As to shareholders' register.



A.D. 1934. of the shareholders of the Company by affixing the  
common seal of the Company to such register.

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

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

Arbitration.

**46.** Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the other or others of them) and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

Liability to  
water rent  
&c. not to  
disqualify  
justices &c.

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

Contents of  
summons  
&c.

**48.** 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 person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Penalties  
not  
cumulative.

**49.** Penalties imposed under any Act or Order from time to time relating to the Company for one and the same offence shall not be cumulative.



[24 & 25 GEO. 5.] *Sunderland and* [Ch. lxxiv.]  
*South Shields Water Act, 1934.*

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

A.D. 1934.  
—  
Recovery of penalties &c.

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

Recovery of demands.

**52.** The following provision for the protection of the North-Eastern Electric Supply Company Limited (in this section referred to as "the North-Eastern Electric Company") shall unless otherwise agreed between the Company and the North-Eastern Electric Company apply and have effect (that is to say):—

For protection of North-Eastern Electric Supply Company Limited.

Notwithstanding anything in the Act of 1921 the Act of 1922 or this Act contained the Company shall not under the powers of the said Acts or any of them interfere with any electric line or work of the North-Eastern Electric Company except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 and such provisions shall be deemed for the purposes of this section to extend to and include any electric line or work of the North-Eastern Electric Company placed upon or above ground.

**53.** The following enactments are hereby repealed (namely):—

Repeal.

The Sunderland and South Shields Waterworks Act 1852—

Section XVI (Separate accounts to be kept of cost of extensions);

[Ch. lxxiv.] *Sunderland and South Shields Water Act, 1934.* [24 & 25 GEO. 5.]

A.D. 1934.

Section XXVI (Ordinary meetings to be held yearly);

Section LXII (Waterclosets to be properly constructed).

The Sunderland and South Shields Waterworks Amendment Act 1859—

Section X (New shares to be sold by auction);

Section XVIII (Cisterns to be supplied with proper ballcocks or other apparatus);

Section XX (Penalty for suffering pipes &c. to be out of repair);

Section XXII (For preventing the fraudulent use of water for other purposes than those agreed upon).

The Sunderland and South Shields Water Act 1868—

Section 4 (Interpretation of terms) from the words "the Act of 1859" to the end of the section;

Section 31 (Several names in one warrant);

Section 32 (Costs of distress).

The Sunderland and South Shields Water Act 1891—

Section 3 (Interpretation) the words " 'Superior courts' or 'Court of competent jurisdiction' or any other like expression shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute";

Section 20 (Sale of superfluous lands).

The Act of 1921—

Section 25 (Discharge of water into streams);

Section 31 (Supply to houses partly used for trade);

Section 37 (Amendment of section 35 of Waterworks Clauses Act 1847);



[24 & 25 GEO. 5.] *Sunderland and* [Ch. lxxiv.]  
*South Shields Water Act, 1934.*

- Section 57 (New stock to be sold by auction or tender); A.D. 1934.
- Section 69 (Issue of redeemable preference capital and debenture stock);
- Section 70 (Application of profits over authorised dividend);
- Section 71 (Power to directors to make donations &c.);
- Section 77 (Contracts by directors);
- Section 85 (Several sums in one summons);
- Section 86 (Liability to water rate not to disqualify justices from acting);
- Section 87 (Penalties not cumulative);
- Section 88 (Recovery of penalties &c.);
- Section 89 (Recovery of demands).

The Act of 1922—

Section 17 (For protection of electrical companies);

So much of section 22 (Application of certain sections of Act of 1921) as applies section 57 of the Act of 1921 to the Act of 1922;

Section 30 (Several sums in one summons);

Section 31 (Liability to water rate not to disqualify justices from acting);

Section 32 (Penalties not cumulative);

Section 33 (Recovery of penalties &c.); and

Section 34 (Recovery of demands).

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

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