

[26 GEO. 5. & *Winchester Corporation* [Ch. xxxviii.]
1 EDW. 8.] Act, 1936.



CHAPTER xxxviii.

An Act to empower the mayor aldermen and citizens of the city of Winchester to acquire the water undertaking of the Winchester Water and Gas Company to authorise the said mayor aldermen and citizens to supply water in and in the neighbourhood of their city and for other purposes. [29th May 1936.] A.D. 1936.

WHEREAS the city of Winchester (hereinafter called "the city") is a borough under the local government of the mayor aldermen and citizens of the city (hereinafter called "the Corporation"):

And whereas the Winchester Water and Gas Company (in this Act called "the company") are supplying water and gas in the city and in the neighbourhood thereof under the powers of the Winchester Water and Gas Acts and Orders 1865 to 1929:

And whereas the company have agreed with the Corporation for the transfer of the water undertaking of the company to the Corporation and it is expedient that the agreement (a copy of which is set forth in the First Schedule to this Act) should be confirmed and that provision should be made for carrying it into effect:

And whereas it is expedient to empower the Corporation to acquire by agreement the undertaking of Samuel Bostock known as the Crabwood Water

A.D. 1936. — Supply and that the powers contained in this Act in relation to the supply of water should be conferred on the Corporation :

And whereas it is expedient to make further and better provision with regard to the health local government and improvement of the city :

And whereas it is expedient that further provision should be made with regard to the finances of the Corporation and the application of the revenue of their several undertakings :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed :

23 & 24
Geo. 5. c. 51.

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 (that is to say) :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the Winchester Corporation Act 1936.

Division of Act into Parts. 2. This Act is divided into Parts as follows :—
Part I.—Preliminary.
Part II.—Acquisition of water undertakings.
Part III.—Waterworks and lands.
Part IV.—Supply of water.
Part V.—Finance.
Part VI.—Miscellaneous.

Incorporation of Acts. 3.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes and are

not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):— A.D. 1936.

(a) The Lands Clauses Acts with the following exceptions and modification:—

(i) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are not incorporated with this Act; 8 & 9 Vict. c. 18.

(ii) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

(b) The Waterworks Clauses Acts 1847 and 1863 except— 10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

(i) 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;

(ii) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts.

(2) In the construction of the provisions of the Lands Clauses Acts and the Waterworks Clauses Acts 1847 and 1863 the expressions “the promoters of the undertaking” “the undertakers” and “the company” mean respectively the Corporation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Public Health Acts shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

(2) In this Act unless the subject or context otherwise requires—

“The city” means the city of Winchester;

“The Corporation” means the mayor aldermen and citizens of the city of Winchester;

“The council” means the council of the city;

“The town clerk” means the town clerk of the city;

A.D. 1936.
—

“The company” means the Winchester Water and Gas Company;

“The scheduled agreement” means the agreement dated the sixteenth day of March nineteen hundred and thirty-six and made between the company of the one part and the Corporation of the other part and set out in the First Schedule to this Act;

“The water undertaking of the company” means the undertaking of the company for the supply of water including—

(a) the freehold hereditaments described in the First Schedule to the scheduled agreement and any other freehold or leasehold hereditaments belonging to the company exclusively for the purposes of or in respect of their undertaking for the supply of water subject to but with the benefit of all existing leases tenancies easements liabilities covenants and obligations affecting the said hereditaments or any part thereof;

(b) the benefit of and (subject to the provisions of the scheduled agreement) the liability under all contracts and agreements relating exclusively to the undertaking of the company for the supply of water;

(c) all waterworks engines mains pipes meters fittings and apparatus implements machinery plant fixed and movable vehicles furniture stock in trade and all books records chattels and effects belonging to the company for the purposes of or in respect of their undertaking for the supply of water or which would ordinarily be used for the purposes of or in connection with their said undertaking and all plans engineering reports and other documents relating to the said undertaking;

(d) all rights easements powers liberties privileges and authorities whatsoever of the company or to which the company are entitled at law or in equity for the purposes of or in respect of their undertaking for the supply of water;

(e) all water rates rents and charges debts and sums of money due or accruing to the company in respect of their undertaking for the supply of water together with such proportion of all moneys of the company cash in hand and cash standing to the credit of the company at their bankers and all negotiable and other securities stocks shares and investments belonging to the company as is attributable to the undertaking of the company for the supply of water; A.D. 1936.

(f) all other the property real and personal belonging to the company for the purposes of or in respect of their undertaking for the supply of water;

but not including such a sum of money as may be required for the payment of—

(i) the outgoings debts and liabilities due from or payable by the company in respect of the undertaking of the company for the supply of water up to the date of transfer under clause 10 of the scheduled agreement;

(ii) so much of the interest and dividends referred to in clause 9 of the scheduled agreement as is attributable to the undertaking of the company for the supply of water;

“The date of transfer” means the first day of July nineteen hundred and thirty-six;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the city;

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same; 38 & 39 Vict. c. 55.

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act; 9 & 10 Geo. 5. c. 57.

“The Act of 1933” means the Local Government Act 1933;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878; 41 & 42 Vict. c. 76.

A.D. 1936.
—

“The water undertaking” means the water undertaking of the Corporation;

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

“Daily penalty” means a penalty for each day on which an offence is continued after conviction;

“The Corporation undertakings” means the water electricity markets and public service vehicle station undertakings of the Corporation and any other undertakings of the Corporation as from time to time existing from which revenue is derived;

“Statutory borrowing power” includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 (Temporary loans &c.) of the Act of 1933;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any security of the Corporation;

“Authorised security” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;

“The revenues of the Corporation” includes the general rate fund and all rates Exchequer contributions and other revenues whether arising from land or undertakings or from any other source receivable by the Corporation;

“The Minister” means the Minister of Health.

38 & 39 Vict.
c. 83.

5. The Corporation shall not exercise the powers conferred upon them by Part III (Waterworks and lands) and Part IV (Supply of water) of this Act until the date of transfer.

A.D. 1936.
—
Commence-
ment of
Parts III
and IV of
Act.

PART II.

ACQUISITION OF WATER UNDERTAKINGS.

6.—(1) The scheduled agreement is hereby confirmed and made binding upon the Corporation and the company and on the date of transfer the water undertaking of the company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Corporation free from all mortgages debentures debenture stocks and other similar charges and subject to the provisions of this Act and of the scheduled agreement.

Acquisition
of com-
pany's
water
under-
taking.

(2) The production of a King's Printer's or Royal Assent copy of this Act duly stamped together with a receipt for the price or consideration purporting to be signed by three directors of the company or by the cashier of the Bank of England shall (unless it be proved that the price or consideration has not been paid) be conclusive evidence in all courts and proceedings of the transfer and vesting in the Corporation of the water undertaking of the company.

7.—(1) The receipt in writing of three directors of the company for any money paid or stock or other security delivered to the company or any other person under the scheduled agreement by the Corporation shall effectually discharge the Corporation from the sum stock or other security which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Receipt for
purchase
money.

(2) Provided that if from any cause the Corporation are unable to obtain such receipt from the company they may pay the money or deliver the certificate or certificates for the stock or other security into the Bank of England in the name of the Accountant-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the

A.D. 1936. — Corporation by the cashier of the said bank for the money stock or other security which shall have the same effect as the receipt of three directors of the company.

Substituted securities to be held in same rights.

8. Subject to the provisions of this Act and of the scheduled agreement any stock mortgage or other security issued to the holders of consolidated ordinary preference or debenture stocks of the company in pursuance of the scheduled agreement and any sums of money paid to the company or the said stockholders in pursuance of the said agreement shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in on or subject to which the said stocks of the company were held immediately before the date of transfer and so as to give effect to and not to revoke any deed will or other instrument or testamentary or other disposition disposing of or affecting the stock and every such deed will instrument or disposition shall take effect with reference to the whole or a proportionate part (as the case may be) of the stock of the Corporation sum of money or other security.

Liabilities to be defrayed by company.

9. All charges debts and liabilities upon or affecting the water undertaking of the company or due from or payable by the company in respect of that undertaking which at the date of transfer shall remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the company out of the moneys retained by them on that behalf and if at the date of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company in relation to any property right debt liability or obligation transferred to the Corporation the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the company as and when it might have been continued prosecuted and enforced by against or in favour of them if this Act had not been passed.

Contracts with company to be binding on Corporation.

10. Subject to the provisions of this Act and of the scheduled agreement all agreements conveyances contracts deeds and other instruments entered into or made with or by the company and in force at the date of transfer shall after the date of transfer so far as the same relate to

[26 GEO. 5. & Winchester Corporation [Ch. xxxviii.]
1 EDW. 8.] Act, 1936.

or affect the water undertaking of the company be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto. A.D. 1936.
—

11. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same or the like matter for or against the Corporation. Books &c. to remain evidence.

12. As from the date of transfer the stocks forming the paid up share capital and the borrowing powers of the company shall be deemed to be reduced by the sums respectively set out in the following table :— Reduction of capital and borrowing powers of company.

Name of stock.	Amount of reduction.
Consolidated ordinary stock	£64,944
4 per centum preference stock	£12,300
5 per centum preference stock	£8,200
5½ per centum preference stock	£18,450
4 per centum irredeemable debenture stock	£19,153
5 per centum irredeemable debenture stock	£24,395

and the amount of such stocks held by each holder thereof shall be reduced proportionately.

13. As from the date of transfer the company shall be deemed and shall continue to be incorporated for the purposes only of supplying gas and of otherwise carrying on the undertaking of the company for the supply of gas as undertakers within the meaning of the Gas Undertakings Acts 1920 to 1934. Company to continue as gas undertakers.

14.—(1) The Winchester Water and Gas Acts and Orders 1865 to 1929 so far as they relate to the water undertaking of the company shall as from the date of transfer be repealed except so far as may be necessary to give effect to the provisions of this Act and except the Partial repeal of company's enactments.

A.D. 1936. — provisions of those enactments which are referred to in the Second Schedule to this Act :

Provided that notwithstanding such repeal all arrears of rates rents and charges payable in respect of the company's water undertaking under the provisions of the company's enactments and all rates rents and charges in respect of that undertaking payable thereunder in respect of any period before the date of transfer may be sued for collected and recovered by the Corporation in the same manner in all respects as the same could have been sued for collected and recovered by the company if this Act had not been passed.

(2) Subject to the provisions of this Act the Corporation shall as from the date of transfer have the powers and rights of the provisions which are set out in the Second Schedule to this Act as if the Corporation were named in those provisions instead of the company.

Agreements with purchaser of remainder of company's undertaking.

15. The Corporation may enter into and carry into effect agreements with any local authority company or body who may purchase the whole or any part of the undertaking of the company (including the gas undertaking) which is not transferred to the Corporation.

As to purchase of undertaking of Samuel Bostock and others.

16.—(1) The Corporation may by agreement acquire from Samuel Bostock or other the owner or owners for the time being thereof the waterworks now known as the Crabwood Water Supply constructed and laid down by the said Samuel Bostock in the parishes of Littleton Crawley Sparsholt and Hursley in the rural district of Winchester or any extension of those waterworks for the time being existing and the plant mains pipes buildings rights and privileges of the said owner or owners in connection with such waterworks or any part of such waterworks for such consideration and on such terms and conditions as may be contained in such agreement.

(2) On the completion of the purchase of the said waterworks the water limits shall be extended so as to include the said parish of Sparsholt in the rural district of Winchester and so much of the parish of Hursley in the said rural district as is coloured blue on the signed map or (if part only of the said waterworks is acquired) so much of the said parish of Sparsholt and of the portion

[26 GEO. 5. & Winchester Corporation [Ch. xxxviii.]
1 EDW. 8.] Act, 1936.

of the parish of Hursley hereinbefore in this subsection described as is supplied with water by such part. A.D. 1936.
—

(3) The Corporation shall within seven days of the completion of the purchase of the said waterworks or any part thereof notify the mayor aldermen and burgesses of the borough of Southampton in writing of such purchase.

(4) On the inclusion in the water limits of the portion of the parish of Hursley hereinbefore in this section described or any part of such portion the said portion of the said parish or the part thereof (as the case may be) shall cease to be within the limits for the supply of water of the said mayor aldermen and burgesses and notwithstanding anything contained in the Southampton Corporation Acts 1836 to 1931 or any other Act all rights and obligations of the said mayor aldermen and burgesses with respect to the supply of water in the said portion of the said parish or the said part thereof (as the case may be) shall cease and determine.

(5) In this section "the signed map" means the map signed in triplicate by the Right Honourable the Earl of Onslow the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one copy in the Committee and Private Bill Office of the House of Commons and one copy with the town clerk.

PART III.

WATERWORKS AND LANDS.

17. Subject to the provisions of this Act the Corporation may maintain and repair and from time to time alter improve enlarge deepen extend and renew or discontinue the waterworks vested in or belonging to them and may use and employ the same for the purposes of taking intercepting pumping and impounding water and may take intercept pump and impound any waters which can be taken intercepted pumped or impounded by such waterworks and may from time to time extend the waterworks vested in them by this Act and may use those waterworks and any pipes for the supply of and may sell and supply water within the water limits under the provisions of this Act and the Corporation shall

Power to
maintain
&c. water-
works.

A.D. 1936. — in respect of those waterworks and pipes and the maintenance and future use regulation and enlargement thereof have the powers and be subject to the provisions of this Act and the Acts incorporated wholly or in part with this Act so far as the same relate to the water undertaking.

Power to purchase additional lands by agreement for protection of source of supply.

18.—(1) The Corporation in addition to any other lands acquired or held by them in pursuance of this or any other Act may by agreement purchase take on lease acquire and hold for the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Corporation deem necessary for those purposes.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor (without the approval of the Minister) erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Corporation.

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

(4) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands

[26 GEO. 5. & Winchester Corporation [Ch. xxxviii.]
1 EDW. 8.] Act, 1936.

or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

A.D. 1936.

19. The Corporation on selling any lands acquired by them in connection with the water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale 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.

Reserva-
tion of
water
rights &c.
on sale.

20. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Limiting
powers of
Corpora-
tion to
abstract
water.

21. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in or across any streets or roads of the conduits or lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may erect or lay down for the purposes of the water undertaking :

Applica-
tion of
Water-
works
Clauses
Act 1847.

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

32 & 33 Vict.
c. 73.

Provided also that nothing in this section shall authorise the breaking up of any street or road belonging to a railway company without the consent of such company which consent shall not be unreasonably withheld.

A.D. 1936.

—
Discharge
of water
into
streams.

22.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any of the waterworks of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream ditch or watercourse :

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.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Acts 1889 to 1934.

(3) The rate at which the Corporation may cause water to be discharged directly or indirectly into any available stream ditch or watercourse shall not (except in emergency) exceed such a rate as may be agreed between the Corporation and the highway authority for any road drained by the stream ditch or watercourse or adjacent to which road the stream ditch or watercourse is situate or as failing agreement may be determined by arbitration to be reasonable having regard to all the circumstances of the case.

(4) The powers of this section shall not be exercised so as to damage or injuriously affect the railways or works of any railway company nor shall the Corporation cause water to be discharged into any drain or watercourse constructed and used only for the purpose of draining such railways or works.

Further
power to
lay mains.

23.—(1) The Corporation shall have and may exercise the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district.

(2) It shall not be necessary for the Corporation to obtain the report of the surveyor referred to in section 16 of the Public Health Act 1875 before exercising their powers under this section. A.D. 1936.
—

24.—(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water. Byelaws for preventing pollution &c. of water.

(2) The byelaws made under this section shall be in force within so much of the city and of the rural district of Winchester as may be defined in the byelaws.

(3) In addition to the requirements of section 250 of the Act of 1933 the Corporation shall exhibit in some conspicuous places in the city and in the said rural district copies of the notice referred to in that section and any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(4) A copy of any such byelaws shall be sent to the clerk of the county council of the administrative county of Southampton and to the clerk to the Winchester Rural District Council one month at least before application is made for their confirmation and before confirming the byelaws the Minister shall have regard to any representations thereon which may be made within the said month by the said county council or the said district council.

(5) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local sanitary authority of the district in which such lands are situate and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Acts 1889 to 1934 and for the

A.D. 1936.

— purposes of this subsection the expression "legal rights" shall include a user of land in respect of which the local authority might have taken proceedings under the Public Health Acts or under their byelaws but have decided not to do so having regard to the character or situation of the land.

(6) If the authority responsible for the maintenance of any highway in any area in which byelaws made under the provisions of this section shall be in force shall be required by the Corporation to construct filtration or other works for dealing with surface water from the highway the reasonable cost of the construction of such works shall unless otherwise agreed with the said authority be borne by the Corporation.

(7) Notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for the recovery of any penalty imposed by any byelaw made under this section may be taken by the Corporation without the consent in writing of the Attorney-General.

For protection of Southampton County Council.

25. For the protection of the county council of the county of Southampton (in this section called "the county council") the following provisions shall unless otherwise agreed in writing between the Corporation and the county council apply and have effect in relation to the execution of any works and the exercise of any powers by the Corporation under this Act affecting county roads in the county of Southampton and bridges in the said county repairable by or at the expense of the county council:—

(1) All mains pipes and apparatus (hereinafter referred to as "apparatus") to be laid in or along any county road or in upon or across any such bridge shall be laid in such position in or at the side thereof (provided the metalling on or over such side be sufficient and of sufficient depth effectually to protect such apparatus) as the county council in writing under the hand of their surveyor may reasonably direct:

(2) In the application of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 30

of that Act shall be not less than seven days instead of three days but this shall not apply to cases of emergency : A.D. 1936.
—

- (3) The plan required by section 31 of the said Waterworks Clauses Act 1847 shall be accompanied by a description of the proposed works in the case of any county roads and by a section in the case of any of such bridges as aforesaid and shall be delivered to the county council or their surveyor by the Corporation not less than fourteen days before they commence to open or break up any county road or interfere with any such bridge for the purpose of executing any works authorised by this Act :
- (4) Nothing in this Act shall authorise the Corporation to interfere with the structural part of any such bridge without the consent in writing of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine :
- (5) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve in any manner they think fit any county road in or along which any apparatus of the Corporation shall have been laid and the Corporation shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor of the county council so to do proceed to alter the position of any such apparatus in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed and the expenses of any such alteration shall be paid to the Corporation by the county council :
- (6) Nothing in this Act contained shall interfere with the right of the county council at any time or times to remove alter or rebuild any such bridge as aforesaid or the approaches thereto over or near to which any apparatus of the Corporation is carried or to which any such

A.D. 1936.

apparatus is attached in the same manner as they might have removed altered or rebuilt such bridge or the approaches thereto if this Act had not been passed and such apparatus had not been laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such apparatus is laid being removed altered or rebuilt as aforesaid the Corporation shall at their own cost in all things alter the position of such apparatus and any works by which the same is carried over or near or attached to such bridge or the approaches thereto as aforesaid :

Provided that the county council shall afford all reasonable facilities to the Corporation for such alteration :

Provided also that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall at their own expense afford all reasonable facilities for temporarily carrying such apparatus across the stream river or other place over which such bridge is carried so as not to interrupt the continual supply of water or to diminish the pressure of such supply through such apparatus :

- (7) All works of the Corporation so far as they affect any county roads and such bridges as aforesaid shall be so executed by the Corporation as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any county road or over any such bridge or the approaches thereto :
- (8) The county council shall not be liable for or in respect of any damage or injury done to any work of the Corporation by reason of such work being laid at a depth below the surface of any county road insufficient for its protection from injury arising from the use of any steam or other roller for the repair of such road or from the passage of the traffic in such road or by reason of the non-repair of any such bridge or approaches provided that any such steam roller does not exceed twelve tons in weight :

- (9) The provisions of section 32 of the Waterworks Clauses Act 1847 with reference to the reinstatement and making good of the road or pavement of any street or bridge opened or broken up shall extend to any part of a street or bridge which may be damaged (by other than ordinary wear and tear) by or in consequence of the works of the Corporation although such part itself may not have been opened or broken up : A.D. 1936.
—

Provided that ordinary wear and tear shall not be deemed to include damage done to any part of a street or bridge owing to the concentration of traffic thereon caused by the works of the Corporation :

- (10) If any difference arises at any time between the county council and the Corporation touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer to be agreed on between the county council and the Corporation and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party (after notice in writing to the other of them) and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such settlement.

PART IV.

SUPPLY OF WATER.

26. The limits of this Act for the supply of water shall be the city (except that portion which was transferred thereto from the parish of Hursley by the County of Southampton Review Order 1932) and the following parishes and parts of parishes in the rural district of Winchester in the county of Southampton namely Abbots Barton Chilcomb Headbourne Worthy Itchen Valley Kings Worthy Littleton and Crawley such portion of the parish of Hursley as was transferred thereto from the parish of Weeke by the said Order of 1932 and such portion of the parish of Compton as was transferred thereto from the parish of Saint Faith Without by the Limits of supply.

A.D. 1936. — said Order of 1932 and as does not form part of the limits within which the mayor aldermen and burgesses of the borough of Southampton are authorised to supply water.

Limit of pressure. **27.** The water supplied by the Corporation need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is taken.

Amendment of section 35 of Waterworks Clauses Act 1847. **28.** The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation 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.

Supply of water by Corporation to areas outside water limits. **29.—(1)** The Minister if he is satisfied that the owners or occupiers of premises in any area outside the water limits desire to obtain a supply of water from the Corporation may on the application of the Corporation subject to the provisions of this section by order authorise the Corporation to supply water in any such area or any part thereof or to any premises therein on such conditions as may be specified in the order.

(2) An order under this section may contain such provisions as in the opinion of the Minister are necessary in order to give full effect to the order and upon the granting of any such order the provisions of the enactments relating to the water undertaking shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply of water in pursuance of such order and otherwise as if the water limits extended as far as and so as to include the area or premises to which such order relates.

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

(4) (a) An order made under this section shall cease to have effect with respect to any area or any part thereof or any premises therein when the local authority within whose district or the undertakers for the supply of water within whose limits of supply such

[26 GEO. 5. & Winchester Corporation [Ch. xxxviii.]
1 EDW. 8.] Act, 1936.

area or part thereof or such premises is or are situate are able and willing to supply water to such area or part thereof or premises as the case may be and give not less than one month's notice thereof to the Corporation.

A.D. 1936.

(b) When such local authority or undertakers commence to supply water to any such area or part thereof or any premises therein in pursuance of this subsection they shall pay to the Corporation such portion of the expenditure incurred by the Corporation within such area or part thereof in the district of the local authority or within the limits of supply of the undertakers (as the case may be) in giving a supply to such area or part thereof or premises therein as may be agreed or failing agreement as may be determined by arbitration in accordance with the Arbitration Acts 1889 to 1934.

(5) The charge made by the Corporation 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 Corporation for water supplied for a similar purpose within the water limits.

30. Notwithstanding anything in section 29 (Supply of water by Corporation to areas outside water limits) of this Act an order shall not without the consent of the mayor aldermen and burgesses of the borough of Southampton be made under the said section authorising the Corporation to supply water in any area outside the water limits which is situate within the limits for the time being of the said mayor aldermen and burgesses of the borough of Southampton for the supply of water or to any premises in such area.

For protection of Southampton Corporation.

31.—(1) Where the water limits are bounded by or abut on any street or part of a street wholly outside those limits the Corporation may for the purpose of supplying water to the owner or occupier of any premises abutting on that street or part of a street and being within the water limits exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within

As to streets forming boundary of water limits.

A.D. 1936. — the water limits subject nevertheless to the observance of the conditions imposed on an exercise of those powers within the said limits.

(2) The Corporation by means of a pipe laid in any such street or part of a street as is first referred to in subsection (1) of this section may with the consent of any local authority company body or person supplying water under parliamentary authority to the area which includes the houses outside the water limits abutting upon such street or part of a street supply such houses with water.

(3) The owner or occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Corporation and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street or part of a street were wholly within the water limits.

Meters in streets to measure water or detect waste.

32. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus :

Provided that the Corporation shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Rates for supply of water for domestic purposes.

33.—(1) The Corporation 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 Act to demand a supply of water for domestic

purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates following to be assessed on the gross value of the premises so supplied with water:— A.D. 1936.

where the gross value of the premises supplied with water does not amount to ten pounds at a rate per annum not exceeding nine per centum upon the gross value of the premises so supplied;

where such gross value amounts to or exceeds ten pounds and does not exceed forty pounds at a rate per annum not exceeding seven and one-half per centum upon the gross value of the premises so supplied;

where such gross value exceeds forty pounds at a rate per annum not exceeding six and three quarters per centum upon the gross value of the premises so supplied:

Provided always that the Corporation shall not be obliged to furnish any such supply for any less sum than twopence per week.

Nothing in this section shall entitle the Corporation in any case to demand for the water rate for any dwelling-house or part of a dwelling-house included in any division of the foregoing scale a greater sum than they would be entitled to demand if the dwelling-house or part thereof were of just sufficient value to bring it within the next division of the said scale relating to premises of a higher gross value whereon a lower rate per centum is chargeable.

(2) The gross value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or by any alterations in or additions to such list made during such period:

Provided that in the case of a newly erected or a newly constructed dwelling-house or part of a dwelling-house which first comes into occupation after the commencement of any quarter for which a rate accrues and which is not at the time of demand in the valuation list the gross value of such dwelling-house or part of a dwelling-house shall be estimated by the Corporation and in case of dispute as to the amount of the estimate the same shall be ascertained by a court of summary jurisdiction:

A.D. 1936.

Provided also that where the water rate is chargeable on the gross value of a part only of any hereditament entered in the valuation list such gross value shall be a fairly apportioned part of the gross value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) (a) In addition to the foregoing charges the Corporation may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the water limits a sum not exceeding ten shillings per annum and in respect of—

- (i) every fixed bath beyond the first (for which no additional charge shall be made unless the same have a capacity in excess of fifty gallons) not having a capacity in excess of fifty gallons; and
- (ii) every first fixed bath having a capacity in excess of fifty gallons;

a sum not exceeding ten shillings per annum and in respect of every other bath in excess of fifty gallons such sum as the Corporation may think fit.

(b) For the purposes of this subsection the capacity of a bath shall be measured to the centre line of the overflow pipe or in such other manner as the Minister may by regulations prescribe.

(4) Any sums charged under subsection (3) of this section shall be recoverable at the like dates and in the same manner as other water rates leviable by the Corporation under this section can be recovered.

Rates
payable by
owners of
small
houses.

34.—(1) Where the net annual value of a house does not exceed thirteen pounds or the house 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 Corporation so determine pay the rate for the supply but the rate may be recovered by the Corporation from the occupier and may if so recovered and 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. A.D. 1936.
—

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of this section by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the commencement of this Act.

35.—(1) The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Supply by
meter.

(2) Provided always that no persons shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

36. The price to be charged by the Corporation for a supply of water by meter shall not exceed one shilling and sixpence per thousand gallons: Price of
water
supplied
by meter.

Provided that except as by this Act otherwise expressly provided the Corporation shall be entitled to charge a minimum sum of ten shillings in any quarter of the year for water supplied by meter.

37.—(1) Where water supplied for domestic purposes otherwise than by measure is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first. Charges for
supply by
hose-pipe.

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

A.D. 1936.

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

Charges for
supplies for
refrigerat-
ing
apparatus
&c.

38.—(1) Where a person who takes a supply of water for domestic purposes from the Corporation otherwise than by measure desires to use any of the water so supplied for—

- (a) a water-cooled refrigerating apparatus; or
- (b) any apparatus depending while in use upon a supply of continuously running water; or
- (c) any apparatus used for softening water which requires water for cleaning regenerating motive power or similar purposes;

the Corporation may if they think fit require that all water so used shall—

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

(2) No charge shall be made under this section in respect of an apparatus used within the premises for which the supply of water is taken for softening water if one such apparatus only is used and the water softened thereby can be drawn off into a receptacle at one point only and is used solely for purposes for which the domestic rate is paid.

Supplies
to swim-
ming baths
and bathing
pools.

39. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Corporation may require that all water required for such swimming bath or bathing pool shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

40.—(1) Notwithstanding anything in any Act relating to the Corporation a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation 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 Corporation 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.

A.D. 1936.

—
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 which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

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

Supply to
houses
partly
used for
trade etc.

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

(b) any hospital (whether public or private) or sanatorium;

(c) any club hotel assembly hall restaurant public-house inn or common lodging-house;

(d) any boarding house or public institution capable of accommodating at least twelve persons including the persons usually resident therein; or

(e) any school not maintained by the local education authority.

A.D. 1936.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by or in pursuance of this Act.

(3) The minimum quarterly charge (exclusive of meter rent) for a supply of water by measure 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 supply of water for domestic purposes to a dwelling-house of the same gross value.

Agreements
as to supply
of water
in certain
cases.

42. The Corporation may agree with the owner or occupier of any premises within the water limits who is not entitled to demand a supply of water from the Corporation to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates or rents are recoverable by them.

Contracts
for supply-
ing water
in bulk.

43. The Corporation may enter into and carry into effect agreements with any local authority company body or person for the supply of water to such authority company body or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such periods as may be agreed upon :

Provided that such supply shall not be given except with the consent of the local authority and of any company body or person supplying water under parliamentary authority within the area to be supplied nor if and so long as such supply would interfere with the supply of water within the water limits :

Provided also that the consent of the persons under whose control or management any street or bridge is shall be required to the opening or breaking up thereof by the Corporation in the exercise of the powers of this section but such consent shall not be unreasonably withheld and any question whether or not such consent is unreasonably withheld shall be decided by the Minister.

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

A.D. 1936.
—
As to gross value of two or more houses in one occupation.

45.—(1) The Minister may if he thinks fit from time to time on the application of the Corporation or of the council of any rural district having for the time being jurisdiction within the water limits by order vary either by way of increase or decrease the rates and charges for the supply of water which the Corporation are by this Act authorised to charge :

Revision of water rates.

Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will provide a reasonable sum as a contribution towards a reserve fund in respect of the water undertaking so long as such fund does not amount to the maximum prescribed in relation to that fund in pursuance of section 72 (Reserve funds) of this Act.

(2) Any order made by the Minister in pursuance of the foregoing provisions of this section may provide for the alteration of the basis of the rates and charges for the supply of water which the Corporation are for the time being authorised to charge and may fix the date upon which any such variation as is referred to in subsection (1) of this section or any such alteration as is referred to in this subsection shall come into force.

(3) In the absence of exceptional reasons the Minister shall not vary the rates and charges which the Corporation are for the time being authorised to charge at less intervals than five years.

46.—(1) Any water rent or charge payable to the Corporation may be collected together with the general rate.

Water rent &c. may be collected with general rate.

(2) The Corporation may demand water rents and charges by half-yearly instalments in advance on the

A.D. 1936. first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

(3) If the Corporation exercise the powers of subsection (2) of this section—

(a) every person liable to the payment of such rent or charge who shall cease to occupy the premises in respect of which the rent or charge is paid during any part of the period for which the rent or charge is payable shall not be liable for any part of such rent or charge after the day on which he ceases to occupy the said premises and if any such person shall have paid any rent or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Corporation. The water rent or charge or any part thereof respectively payable by any such person in respect of any such premises and unpaid when he ceases to occupy the same shall become payable and be recoverable immediately upon his ceasing to occupy such premises;

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

Byelaws
for prevent-
ing waste
&c. of
water.

47.—(1) The Corporation may make byelaws—

(a) for the purpose of preventing the waste undue consumption misuse or contamination of water supplied by them and may by such byelaws prescribe the size nature material workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use of any

water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination; and A.D. 1936.

(b) as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Such byelaws shall apply only in the case of premises to which the Corporation afford or are prepared on demand to afford a constant supply of water.

(3) Nothing in this section or in any byelaw made thereunder shall apply to any water fittings valves or apparatus used on any premises (not being a dwelling-house) belonging to and forming part of the railway of a railway company.

(4) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rents in respect of the premises are recoverable.

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

48. The Corporation may require that any dwelling-house the erection of which is commenced after the passing of this Act and which is situate on land at a higher level than fifty feet below the top water level of the service reservoir from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Corporation shall

Cisterns to be provided for high level supplies.

A.D. 1936. — not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Cleansing
of cisterns.

49. The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the water limits for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing food or drink for the use of man.

Stopcocks
&c. to be
fitted in
communica-
tion pipes.

50.—(1) In the case of all premises connected after the passing of this Act with the mains of the Corporation the Corporation may in cases where the communication pipes are laid by the person requiring a supply of water to any premises or by the Corporation at the request of such person require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stopcock (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 to be reasonably approved by the road authority in the footway of the street in which such pipe is laid or if there be no footway in a position as near as reasonably practicable to the premises supplied and if such person fails to comply with such requirement the Corporation may insert and maintain a stopcock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stopcock and for the purpose of maintaining any existing stopcock in a communication or service pipe from any premises within the water limits 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 Corporation may by agreement with any person liable to insert or to maintain any stopcock and for that purpose authorised to open or break up any street within the water limits execute such works on behalf of such person and any expenses incurred by the Corporation in so doing shall be repaid by the person with whom the agreement is made.

51. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Corporation may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation 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 making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds :

A.D. 1936.

—
Extension
of power to
inspect
premises.

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 also be liable to a penalty under this section.

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

Separate
communica-
tion pipes
may be
required.

(2) If the owner of any house supplied with water by the Corporation fails within a period of one month after the receipt of a notice under subsection (1) of this section to provide a separate pipe from the main into that house the Corporation may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing.

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

As to com-
munication
pipes.

(2) The Corporation by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the

A.D. 1936. — water limits may subject to the like conditions execute such works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

Power to Corporation to repair communication pipes.

54. If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation in like manner as the water rents in respect of the premises are recoverable :

Provided that (except in emergency) the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises (and if the water rents in respect of the house or premises are payable by the owner thereof to such owner) not less than twenty-four hours' previous notice of their intention so to enter.

Corporation to connect communication pipes with mains.

55. Notwithstanding anything in any Act relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting.

[26 GEO. 5. & Winchester Corporation [Ch. xxxviii.]
I EDW. 8.] Act, 1936.

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

A.D. 1936.

—
As to
register of
meters.

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

(3) If any meter or other instrument for measuring water used by a consumer of water be proved to register erroneously the erroneous registration shall be deemed to have first arisen at the beginning of the then current 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 Corporation shall be paid by or to the Corporation 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 rents are recoverable by the Corporation.

57. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to
Corporation
of connect-
ing or dis-
connecting
meters.

58. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the water office of the Corporation.

Notice of
discon-
tinuance.

A.D. 1936.

—
Power to
remove
meters and
fittings.

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

Penalty for
interfering
with valves
&c.

60. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847.

Penalty for
closing
valves and
apparatus.

61. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off or open any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained:

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

For pro-
tection of
railway
companies.

62. For the protection of the Southern Railway Company and the Great Western Railway Company (each of whom is hereinafter referred to as "the company") the following provisions shall unless otherwise

agreed in writing between the company and the Corporation apply and have effect with reference to the exercise of the powers of this Act by the Corporation (that is to say):—

A.D. 1936.
—

- (1) In constructing laying down and executing and also (except in cases of emergency) in effecting the repair or renewal of any work of the Corporation which may be situate upon across over under or in any way affecting the railway or works of the company the same shall be done by and in all things at the expense of the Corporation except as in this section is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company and at such time or times as he shall reasonably approve and except in cases of repair according to plans sections and particulars to be submitted to and reasonably approved by the said engineer before any such works shall be executed:

Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within fourteen days after they shall have been submitted to him he shall be deemed to have approved thereof:

- (2) The Corporation shall restore and make good to the reasonable satisfaction of the said engineer the railway and works of the company and the roads which the company are liable to maintain over or under any bridge or over any level crossing of such railway or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any of the operations of the Corporation:
- (3) If the company so elect they may themselves execute and maintain so much of the said works of the Corporation as may be carried under the railway of the company or across the same on the level (other than the actual laying down and maintenance of the pipes) and may recover the reasonable costs of so doing from the Corporation (including compensation (if any) lawfully required to be paid to any workmen who may

A.D. 1936.

be injured or killed whilst employed by the company in the execution and maintenance of such works or to the legal representatives or dependants of such workmen) :

- (4) All such works of the Corporation (where they pass over under or across or in any way affect the railway or works of the company) shall be constructed executed and maintained so as to cause as little injury as may be to the railway or works of the company and so as not to cause any interruption to the passage or conduct of traffic over such railway except with the approval of the said engineer (which approval shall not be unreasonably withheld) and if any such injury or interruption shall arise from the acts or operations of the Corporation or by reason of the failure of the Corporation to maintain such works or if any bursting leakage or failure of the works of the Corporation over under or near to any railway or works of the company constructed under powers in existence at the passing of this Act not being due to the acts or defaults of the company their servants or agents shall cause any injury to such railway or works all such injury shall forthwith be made good by the Corporation at their own expense and to the reasonable satisfaction of the said engineer and the Corporation shall be responsible for and save harmless and indemnify the company from all claims in respect of any such injury or interruption and shall make compensation to the company for and in respect thereof together with compensation (if any) lawfully required to be paid to any workmen of the company who may be injured or killed owing to any of the operations of the Corporation or to the legal representatives or dependants of such workmen and compensation for any disturbance of traffic which the construction or maintenance of the said works may entail :
- (5) In the event of the Corporation failing to make good such injury as aforesaid or failing to maintain all such works (where they pass under or over or in any way affect the railway

or works of the company) in substantial repair and good order to the reasonable satisfaction of the said engineer or in case of emergency the company may make good the same and make and do in and upon as well the lands of the Corporation as their own lands all such repairs and things as may be reasonably requisite and may recover the reasonable expense thereof (including compensation payable as aforesaid) from the Corporation : A.D. 1936.

- (6) If it should be reasonably necessary during the construction of any works of the Corporation authorised by this Act or if within six months of the completion of any such works it should be reasonably necessary by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the company the company may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in and connected with such alterations :
- (7) The Corporation shall bear and on demand pay to the company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of any works of the Corporation under or across or in any way affecting the railway of the company of such signalmen or watchmen (if any) to be appointed by the company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employ of the Corporation or their contractors :
- (8) If the company at any time or times hereafter in pursuance of any powers existing at the passing of this Act require to construct any additional or other works upon their lands or railway or to

A.D. 1936.
—

extend alter or repair their railway or other works upon across over or under which any of the works of the Corporation may have been constructed or laid the company may after giving to the Corporation twenty-eight days' notice in writing under the hand of their secretary or general manager (or in case of emergency after giving such notice as is reasonably practicable) divert support or carry the said works of the Corporation across over or under their railway at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be and so as not to interrupt or interfere with the supply of water and shall not be liable to pay compensation in respect of such diversion supporting carrying or dealing with such works :

Provided that any works executed by the company under this subsection shall be executed in accordance with plans sections and specifications previously submitted to and reasonably approved by the Corporation and to the reasonable satisfaction of the Corporation :

- (9) Any additional expense which the company may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the passing of this Act their railway or other works by reason of the existence of the works of the Corporation laid or executed upon across over or under the same shall be paid by the Corporation :
- (10) The Corporation shall not without the previous consent of the company exercise the powers conferred on them by—

Section 18 (Power to purchase additional lands by agreement for protection of source of supply);

Section 32 (Meters in streets to measure water or detect waste);

Section 53 (As to communication pipes); and

Section 54 (Power to Corporation to repair communication pipes);

of this Act in respect to any street pipe line wire or apparatus which is the property of

the company but such consent shall not be unreasonably withheld : A.D. 1936.

- (11) Any difference arising between the Corporation and the company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed (failing agreement) at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

PART V.

FINANCE.

63.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table :—

Power to borrow.

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For the purchase of the water undertaking of the company and for defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Corporation (other than the costs of this Act) and for the payment of any sum of a capital nature payable by the Corporation under the scheduled agreement or payable to the company under the provisions of this Act.	The sum requisite.	Fifty years from the date of transfer.
(b) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

A.D. 1936.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Creation of stock as consideration for transfer.

64.—(1) On the passing of this Act there shall by virtue of this section be created so much stocks to be called respectively “Winchester Corporation four per centum stock” “Winchester Corporation five per centum stock” “Winchester Corporation five and one-half per centum stock” “Winchester Corporation four per centum irredeemable stock” and “Winchester Corporation five per centum irredeemable stock” (all of which are in this section called “water stock”) as may be necessary to give effect to the scheduled agreement and the provisions of section 6 (Acquisition of company’s water undertaking) of this Act.

(2) Such water stock shall be transferable in multiples of one pound and shall be (except the irredeemable stock) redeemable by the Corporation at par after the expiration of thirty years from the date of transfer but the Corporation may purchase the water stock or any part thereof by agreement for cancellation with the holders at any time. The whole of such stock (except the irredeemable stock) shall be redeemed or purchased and extinguished at or before the expiration of forty years from the date of transfer.

(3) Such water stock and all interest accrued or to accrue due thereon shall be charged indifferently on the revenues of the Corporation.

(4) The provisions of the Local Authorities (Stock) Regulations 1934 which are set out in the first column of the Third Schedule to this Act and any regulations amending the same shall subject to the provisions of this Act and subject to the modifications set out in the second column of the said schedule apply to the creation issue transfer and redemption of and other dealings with the stock created by virtue of this section as if the same were duly created and issued by the Corporation under the provisions of the Act of 1933 and the Local Authorities (Stock) Regulations 1934 :

[26 GEO. 5. & *Winchester Corporation* [Ch. xxxviii.]
1 EDW. 8.] Act, 1936.

Provided that the amounts of the several contributions from the revenues of the Corporation payable in each year for the redemption and extinction or purchase and extinction of stock issued under this section shall be determined by paragraph (a) of article 7 (1) of the Local Authorities (Stock) Regulations 1934 and the rate per centum per annum for the purposes of those provisions shall be three pounds or such other rate as the Minister may from time to time approve.

A.D. 1936.

(5) Trustees executors administrators and all persons legally holding shares in the capital of the company or debenture stock of the company in any representative or fiduciary capacity may hold water stock issued in exchange for such shares in the capital of the company or debenture stock of the company under the powers of this Act and are hereby indemnified for all acts bona fide done by them in pursuance of the provisions of this Act.

65.—(1) The Corporation shall make provision for the extinction of any irredeemable stocks of the Corporation which may be issued under the provisions of section 64 (Creation of stock as consideration for transfer) of this Act by means of a sinking fund so as to purchase and extinguish or to be in a position to purchase and extinguish the said stocks as aforesaid within a period of fifty years from the date of transfer and if at the end of that period the said stocks are not wholly extinguished then the Corporation shall so long as they are liable to pay interest thereon apply in or towards payment thereof the annual income arising from the money standing to the credit of the sinking fund account.

Sinking fund for irredeemable stocks of Corporation.

(2) The Corporation may at any time apply the whole or any part of the money standing to the credit of the sinking fund account in or towards purchase for cancellation of any irredeemable stocks of the Corporation referred to in this section or in or towards paying off any stock mortgage or other security substituted therefor.

(3) (a) At any time before the expiration of the prescribed period the Corporation may borrow at interest such money as they may require for the repayment of the said irredeemable stocks of the Corporation or any part thereof.

(b) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with the provisions of this Act shall extend and apply to the borrowing

A.D. 1936. — of money under this section and to money so borrowed as if it were borrowed under the said Part IX and for the purpose of the said Part IX the fixed period shall be the residue for the time being unexpired of the period of fifty years from the date of transfer.

Applica-
tion of Act
of 1933 to
existing
sinking
funds.

66. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper.

Consoli-
dated loans
fund.

67.—(1) Notwithstanding anything contained in this Act or in any other enactment on and after the thirty-first day of March nineteen hundred and thirty-seven the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

- (a) all moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the

repayment of any moneys borrowed by the Corporation; and A.D. 1936.

- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve capital reserve renewals and repairs depreciation contingency insurance accident superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

(5) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

A.D. 1936.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(8) Any scheme approved by the Minister under this section may be altered amended or revoked by a scheme made in like manner as the original scheme.

Use of
moneys
forming
part of
sinking
and other
funds.

68. Notwithstanding anything contained in this Act or in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve or as a capital reserve renewals and repairs depreciation contingency insurance accident superannuation or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(a) The moneys so used shall be repaid out of the general rate or the general rate fund to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate or the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

(b) In the accounts of the general rate fund an amount equal to interest calculated at such rate

per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any money so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used: A.D. 1936.

- (c) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

69.—(1) Notwithstanding anything contained in this Act or any other Act or Order all moneys received by the Corporation whether on capital or revenue account including (but without prejudice to the generality of this provision)— Receipts and expenses.

(a) all money received on account of the revenue of any of the Corporation undertakings; and

(b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or working capital or as a reserve or as a capital reserve renewals repairs depreciation contingency insurance accident consolidated loans or other similar fund (including any interest payable to any such fund in pursuance of section 67 (Consolidated loans fund) and section 68 (Use of moneys forming part of sinking and other funds) of this Act);

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act whether public or local (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay or transfer to any

A.D. 1936. — such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund :

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than purposes to which capital money is properly applicable.

Accounts.

70.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the Corporation undertakings and as to revenue shall show under a separate heading or division on the one side all income in respect of the undertaking (including the interest and other annual proceeds received by the Corporation on the investments representing or forming part of any such fund provided in connection with the undertaking as is referred to in paragraph (b) of subsection (1) of the last preceding section) and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes in pursuance of section 67 (Consolidated loans fund) and section 68 (Use of moneys forming part of sinking and other funds) of this Act;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or used as aforesaid;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) credited to reserves or to a reserve fund provided in respect of the undertaking;

(f) any money expended or applied for any of the purposes mentioned in the next succeeding section. A.D. 1936.

(2) The Corporation shall show in their accounts relating to each undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

(3) The Corporation shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

71. If in respect of any year the moneys received by the Corporation on account of the revenue of any of the Corporation undertakings (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of section 69 (Receipts and expenses) of this Act provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) and (e) of subsection (1) of the last preceding section the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

Application of revenue of undertakings.

(a) in the reduction of capital moneys borrowed for the purposes of the undertaking; and

(b) in the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking.

72.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of any of the Corporation undertakings by setting aside in any year in which the moneys received by the Corporation on account of the revenue of that undertaking exceed the moneys expended by the Corporation in respect of that undertaking in

Reserve funds.

A.D. 1936. — respect of the expenses mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of section 70 (Accounts) of this Act such an amount not exceeding a sum equal to that excess as they may from time to time think reasonable and (unless the amounts so set aside are applied in any manner authorised by this Act) investing the same in statutory securities until the fund so provided amounts—

(a) in the case of the electricity undertaking of the Corporation to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking; and

(b) in the case of any other undertaking to the maximum reserve fund for the time being prescribed by the Corporation.

(2) Any reserve fund which has been provided in respect of any of the Corporation undertakings and which is in existence on the first day of April nineteen hundred and thirty-six shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

(a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or

(b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or

(c) (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum. A.D. 1936.

73.—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection set out in the fifth schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking (in addition to the provisions of section 71 (Application of revenue of undertakings) of this Act) (namely):—

Surplus
electricity
revenue.
62 & 63 Vict.
c. 19.
16 & 17
Geo. 5. c. 51.

If in respect of any year the moneys received by the Corporation on account of the revenue of the undertaking (including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of section 69 (Receipts and expenses) of this Act provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) (e) and (f) of subsection (1) of section 70 (Accounts) of this Act then—

(a) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expended for the time being upon the undertaking the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) if the said reserve fund amounts to more than one-twentieth of the said aggregate capital the Corporation shall fix such amount as they may think fit (not being less in any case in which the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between that sum and the said excess) and the charges for electricity

A.D. 1936.

supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

(2) The Corporation shall in every year so long as any reserve fund provided in respect of the electricity undertaking is less than the prescribed maximum transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the said reserve fund and carried to the general rate fund.

Date of operation of certain sections.

74. The following sections of this Act (namely):—

Section 69 (Receipts and expenses);

Section 70 (Accounts);

Section 71 (Application of revenue of undertakings);

Section 72 (Reserve funds); and

Section 73 (Surplus electricity revenue);

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-six.

Insurance fund.

75.—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

(a) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;

(b) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;

(c) Risk of explosion in respect of boilers;

[26 GEO. 5. & Winchester Corporation [Ch. xxxviii.]
1 EDW. 8.] Act, 1936.

- (d) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties; A.D. 1936.
43 & 44 Vict.
c. 42.
15 & 16
Geo. 5. c. 84.
- (e) Risks of injuries to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises provided or maintained by the Corporation;
- (f) Risks of mechanical or electrical breakdown at or in connection with any of the works of the Corporation;
- (g) Risks of loss due to infidelity of officers or servants of the Corporation;
- (h) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to one hundred thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but

A.D. 1936. — if the fund is at any time reduced below one hundred thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of one hundred thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any manner authorised by this Act) be invested in statutory securities.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the fund is less than one hundred thousand pounds pay into that fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund.

(c) If and so long as the insurance fund amounts to one hundred thousand pounds the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the risks provided for under paragraph (d) of subsection (1) of this section risks of accident to any teacher employed in any public elementary school maintained by the Corporation

notwithstanding that such school has not been provided by the Corporation as the local education authority. A.D. 1936.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

76.—(1) The Corporation may establish a fund to be called “the capital reserve fund” for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the Corporation undertakings) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation such sums out of the general rate fund as the Corporation may from time to time deem expedient:

Capital
reserve
fund.

Provided that—

(a) except as provided by subsection (2) (b) of this section any sum or sums so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925;

15 & 16
Geo. 5. c. 90.

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty-five thousand pounds.

A.D. 1936.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by proviso (b) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

Renewal
and repairs
fund.

77.—(1) The Corporation may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called “the renewal and repairs fund”—

(a) any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation (otherwise than for the purposes of the Corporation undertakings) in connection with the provision of horses carts mechanically propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year; and

(b) any sum not exceeding the average annual cost incurred by the Corporation during the previous three years in connection with the maintenance and repair of buildings (other than buildings forming part of or used for the purposes of the Corporation undertakings or buildings in respect of which the Corporation are required by the Housing Acts to keep a housing repairs account).

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed five thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the repair maintenance

and renewal of the things referred to in subsection (1) of this section which are not comprised in the Corporation undertakings and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses but this section shall not apply to any appliances works equipment and buildings for the purposes of any undertaking in respect of which the Corporation have for the time being provided a reserve fund under the provisions of section 72 (Reserve funds) of this Act or to buildings in respect of which the Corporation are required by the Housing Acts to keep a housing repairs account. A.D. 1936.

(4) Any moneys standing to the credit of any existing fund formed by the Corporation for the purposes for which the renewal and repairs fund is authorised to be formed shall be carried to the credit of that fund in the accounts of the Corporation.

(5) (a) Pending the application of the renewal and repairs fund to the purposes authorised in subsection (3) of this section the moneys in the fund shall unless applied in any other manner authorised by this Act be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

78.—(1) Words and expressions to which meanings are assigned by the Local Government and other Officers' Superannuation Act 1922 (in this section referred to as "the Act of 1922") have in and for the purposes of this section the same respective meanings unless there is something in the subject or context repugnant to such construction. Annuities for widows. 12 & 13 Geo. 5. c. 59.

(2) Within one month before any date on which if he ceased to hold his office or employment an officer or servant would become entitled to a superannuation allowance under paragraph (b) or paragraph (c) of

A.D. 1936. subsection (1) of section 6 of the Act of 1922 he may
— give notice in writing to the Corporation requiring
that the provisions of subsections (3) or (4) of this
section shall apply to him and to any wife to whom he
is married on the date on which he becomes entitled
to a superannuation allowance or (if he dies before
ceasing to hold office or employment but would had
he so ceased immediately prior to his death have been
entitled to a superannuation allowance) to any wife
to whom he is married at the date of his death and
where any such notice is given then unless the Corpora-
tion (being of opinion that the state of health of such
person regard being had to his age is not reasonably
satisfactory) notify him within one month after the
receipt of the notice that they do not intend to comply
with the requirement subsection (3) or subsection (4)
of this section as the case may be shall apply subject
to the other provisions of this section :

Provided that a notice under this subsection may
be given in respect either of the whole or of a specified
part of an allowance and where it is given in respect
of a specified part only of an allowance references in
this section to the superannuation allowance shall
be construed as references to such specified part of the
superannuation allowance.

(3) In any case to which this subsection applies—

(a) the amount of the superannuation allowance
payable to an officer or servant during the
joint lives of himself and such wife as afore-
said shall be reduced by six per centum
and if she is younger than he is it shall also
be reduced by an amount equal to the
amount by which the annuity payable to
her if she survives him will be diminished
under the proviso to paragraph (b) of this
subsection ;

(b) if he predeceases her and—

(i) was in receipt of or entitled to a
superannuation allowance ; or

(ii) dies before ceasing to hold office
or employment but would had he so

ceased immediately prior to his death have been entitled to a superannuation allowance; A.D. 1936.

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable to him reduced by six per centum as aforesaid :

Provided that if her age was less than his such annuity shall be subject to a diminution calculated under the provisions of paragraph (d) of this subsection;

(c) if she predeceases him then as from the date of her death or his retirement whichever occurs last the superannuation allowance payable to him shall be reduced by twenty-eight seventy-fifths; and

(d) the diminution referred to in the proviso to paragraph (b) of this subsection shall where the officer or servant at the time of giving the said notice was within one month of attaining the age of sixty-five and the case falls within the table set out in Part I of the Fourth Schedule to this Act be calculated in accordance with that table and in any other case it shall be of such an amount as shall be certified by an actuary to be just.

(4) In any case to which this subsection applies—

(a) the amount of the superannuation allowance payable to the officer or servant shall be reduced by eleven per centum and if such wife as aforesaid is younger than he is it shall also be reduced where the case falls within the table set out in Part II of the Fourth Schedule to this Act by an amount calculated in accordance with that table and in any other case by such an amount as shall be certified by an actuary to be just;

(b) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance; or

A.D. 1936.

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable to him calculated as if it had not been reduced as aforesaid.

(5) The Minister may from time to time on application made by the Corporation by Order alter as respects officers and servants giving notice under subsection (2) of this section after the date of the Order any of the reductions and diminutions referred to in paragraphs (a) (b) (c) and (d) of subsection (3) of this section and in paragraphs (a) and (b) of subsection (4) of this section or any alterations of such reductions or diminutions so far as may be necessary to secure that the benefits provided by this section for officers and servants and their wives shall be actuarially equivalent to the benefits to which such officers and servants would have been entitled if they had not given such notice as aforesaid.

(6) The first payment of any superannuation allowance to a person under this section shall be accompanied by a statement showing the amount of any annuity which may become payable under this section.

(7) An annuity under this section shall be payable out of the superannuation fund :

Provided that if the superannuation allowance of the officer or servant was by reason of the proviso to subsection (1) of section 16 of the Act of 1922 not payable wholly out of the superannuation fund such proportion only of the annuity shall be paid out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so payable and the balance shall be paid out of the general rate fund.

(8) If an officer or servant to whom subsections (3) or (4) of this section apply shall die after becoming entitled to a superannuation allowance but before he would have been entitled to receive by way of superannuation allowance if he had not given notice under this section an amount in the aggregate equal to the

[26 GEO. 5. & Winchester Corporation [Ch. xxxviii.]
1 EDW. 8.] Act, 1936.

amount of his contributions to the superannuation fund with compound interest thereon at three per centum per annum calculated by half-yearly rests the Corporation shall pay to his legal personal representative the difference between the amount which the officer or servant would have been entitled to receive as aforesaid and the sum to which his contributions to such fund with such compound interest thereon at the rate and calculated as aforesaid amounted at the date of his retirement. A.D. 1936.

(9) An annuity under this section shall not be capable of assignment or transfer.

PART VI.

MISCELLANEOUS.

79.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the city. Further powers for acquisition of land.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof or of an amount which is equivalent to the fair market value of such lands (whichever be the greater) shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

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

80. If a justice is satisfied on complaint by any rate collector or other authorised officer that any person is quitting or about to quit any premises in the city Recovery of rate from persons removing.

A.D. 1936. — and has failed to pay on demand any general rate water rate or charge or electricity charge which may be due from him and intends to evade payment of the same by departing from the city the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector or other authorised officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Projecting
signs.

81.—(1) No person shall without the consent of the Corporation erect or place against or in front of any house or building any projection for advertising purposes which extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) The consent of the Corporation under this section may be given subject to such terms and conditions as the Corporation may think fit and shall not be withheld except on the ground that in their opinion the projection would be objectionable by reason of its size construction or situation or would be a danger or an injury to the amenities of the street.

(3) Any person who offends against the provisions of this section or the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) (a) Any person aggrieved by the withholding by the Corporation of any consent under the provisions of this section or the terms or the conditions (if any) attached to such consent may within fourteen days from the date of the decision of the Corporation appeal to a court of summary jurisdiction.

(b) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the town clerk before lodging the appeal.

(c) On any such appeal the court may make such order and on such terms and conditions as the court may think fit and may award costs.

82. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the city so as to interfere with the due flow of such river stream or watercourse shall be liable to a penalty not exceeding five pounds. A.D. 1936.
—
Penalty for throwing rubbish into streams.

83.—(1) Subsection (3) of section 2 of the Public Health Interments Act 1879 shall be extended to enable the Corporation to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument either in a cemetery provided under the Public Health Acts or in a burial ground provided under the Burial Acts 1852 to 1906. Extension of section 2 (3) of the Public Health Interments Act 1879.
42 & 43 Vict. c. 31.

(2) Any such sum shall (unless applied in any other manner authorised by this Act) be invested in statutory securities and the interest thereof applied in maintaining the grave or grave space or monument in such manner as the Corporation think fit.

(3) Any such capital sum and the interest thereof shall be shown separately in the accounts of the Corporation relating to their cemetery or burial ground but otherwise the said interest shall be paid into the fund to which receipts derived from the cemetery or burial ground are paid.

84. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister. As to byelaws.

85. Any person aggrieved by an order made by a court of summary jurisdiction under the provisions of this Act may appeal against the order to a court of quarter sessions and the Corporation may likewise appeal against the refusal of a court of summary jurisdiction to make any such order. As to appeals.

86. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly. Inquiries by Minister.

87. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of Damages and charges to be settled by court.

A.D. 1936. — dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Recovery of demands. **88.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment 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 an action founded on contract or tort.

Several sums in one summons. **89.** Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the city any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Authentication and service of notices &c. **90.**—(1) Where any notice licence or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the city requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the city may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served :

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Consents of Corporation to be in writing. **91.** All consents given by the Corporation under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the city shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Recovery of penalties &c. **92.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this

Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner: A.D. 1936.

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.

93. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed: Powers of Act cumulative.

Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

94. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein. Application of section 265 of Public Health Act 1875.

95. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

96. For the protection of Samuel Bostock or other the owner or owners for the time being of the waterworks known as "the Crabwood Water Supply" constructed and laid down by the said Samuel Bostock in the parishes of Littleton Crawley Sparsholt and Hursley in the rural district of Winchester or any extension of those waterworks from time to time existing in the said parishes or any of them (all of whom are in this section referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Corporation apply and have effect (that is to say):— For protection of Samuel Bostock and others.

(1) In this section—

"the signed plan" means the plan signed in quadruplicate by the Right Honourable the Earl of Onslow the chairman of the committee of the House of Lords to whom

A.D. 1936.

the Bill for this Act was referred of which one copy has been deposited in the Parliament Office in the House of Lords one copy in the Committee and Private Bill Office of the House of Commons and the remaining copies have been retained by the Corporation and the said Samuel Bostock respectively:

(2) (a) Notwithstanding anything in this Act the Corporation shall not supply water for consumption or use in the area coloured red on the signed plan if and so long as the owners are able and willing on reasonable notice to supply water proper and sufficient for the domestic use and other reasonable requirements of the occupiers of premises in the said area who shall require a supply and be willing to pay a reasonable price for the supply;

(b) Any dispute which shall arise between the Corporation and the owners under this subsection shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference:

(3) For the purposes of subsection (3) of section 29 (Supply of water by Corporation to areas outside water limits) of this Act the owners shall be deemed to be undertakers for the supply of water whose limits of supply include the area coloured blue on the signed plan:

(4) On the completion of the purchase referred to in section 16 (As to purchase of undertaking of Samuel Bostock and others) of this Act the provisions of subsections (1) (2) and (3) of this section shall cease to have effect.

Costs of Act.

97. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1936.

THE FIRST SCHEDULE.

AN AGREEMENT made the sixteenth day of March nineteen hundred and thirty-six between THE WINCHESTER WATER AND GAS COMPANY (hereinafter referred to as "the Company") of the one part and THE MAYOR ALDERMEN AND CITIZENS OF THE CITY OF WINCHESTER (hereinafter referred to as "the Corporation") of the other part.

WHEREAS :

(1) The Company are the proprietors of the gas undertaking and of the water undertaking authorised by the Winchester Water and Gas Acts and Orders 1865 to 1929 and pursuant to the said Acts and Orders are authorised to supply gas and water within the gas limits and the water limits therein defined.

(2) The Corporation have promoted in the present session of Parliament a Bill intituled "A Bill to empower the mayor aldermen and citizens of the city of Winchester to acquire the water undertaking of the Winchester Water and Gas Company to authorise the said mayor aldermen and citizens to supply water in and in the neighbourhood of their city and for other purposes" (hereinafter referred to as "the said Bill") and in the event of the said Bill becoming law the Corporation are desirous of purchasing the said water undertaking of the Company.

(3) While separate capital expenditure and revenue accounts have since the year nineteen hundred and twenty-nine been kept by the Company of the gas undertaking and the water undertaking some of the assets of the Company have been held and some of the liabilities of the Company have been incurred for the joint purposes of the gas undertaking and the water undertaking.

Now therefore this agreement witnesseth and it is hereby agreed between the parties—

1. In this agreement unless the context otherwise requires—

"The water undertaking" means the undertaking of the Company for the supply of water including—

(a) The freehold hereditaments described in the First Schedule hereto and any other freehold or

A.D. 1936.

leasehold hereditaments belonging to the Company exclusively for the purposes of or in respect of their undertaking for the supply of water subject to but with the benefit of all existing leases tenancies easements liabilities covenants and obligations affecting the said hereditaments or any part thereof;

(b) The benefit of and (subject to the provisions of this agreement) the liability under all contracts and agreements relating exclusively to the undertaking of the Company for the supply of water;

(c) All waterworks engines mains pipes meters fittings and apparatus implements machinery plant fixed and movable vehicles furniture stock in trade and all books records chattels and effects belonging to the Company for the purposes of or in respect of their undertaking for the supply of water or which would ordinarily be used for the purposes of or in connection with their said undertaking;

(d) All rights easements powers liberties privileges and authorities whatsoever of the Company or to which the Company are entitled at law or in equity for the purposes of or in respect of their undertaking for the supply of water;

(e) All water rates rents and charges debts and sums of money due or accruing to the Company in respect of their undertaking for the supply of water together with such proportion of all moneys of the Company cash in hand and cash standing to the credit of the Company at its bankers and all negotiable and other securities stocks shares and investments belonging to the Company as is attributable to the undertaking of the Company for the supply of water;

(f) All other the property real and personal belonging to the Company for the purposes of or in respect of their undertaking for the supply of water;

but not including such a sum of money as may be required for the payment of—

(i) the outgoings debts and liabilities due from or payable by the Company in respect of the undertaking of the Company for the supply of water up to the date of transfer under clause 10 of this agreement;

(ii) so much of the interest and dividends referred to in clause 9 of this agreement as is attributable to the undertaking of the Company for the supply of water;

The "date of transfer" means the first day of July nineteen hundred and thirty-six. A.D. 1936.

2. Subject as hereinafter provided the Company shall transfer to the Corporation and the Corporation shall acquire as a going concern the water undertaking as it exists on the date of transfer but free from all mortgages debentures debenture stock or other similar charges.

3. In addition to the said transfer the Company shall pay to the Corporation on the date of transfer the sum of three thousand four hundred and seventy pounds six shillings and twopence.

4. In any case in which any asset liability interest dividend or fee is not wholly attributable or cannot be specifically attributed to the undertaking of the Company for the supply of water then for the purposes of clauses 1 10 and 16 of this agreement the proportion thereof which is attributable to the said undertaking shall be deemed to be forty-one per centum of such asset liability interest dividend or fee.

For the purpose of this clause the amounts standing to the credit of the water renewal fund and the gas renewal fund of the Company shall be deemed to be assets which are not wholly attributable and cannot be specifically attributed to any particular undertaking of the Company.

5. It is hereby agreed that the proportion of the capital of the Company raised and employed in the water undertaking is forty-one per centum of the total capital raised by the Company and represents a sum of one hundred and forty-seven thousand four hundred and forty-two pounds divided between its various classes of stocks as follows:—

Sixty-four thousand nine hundred and forty-four pounds consolidated ordinary stock;

Twelve thousand three hundred pounds four per centum preference stock;

Eight thousand two hundred pounds five per centum preference stock;

Eighteen thousand four hundred and fifty pounds five and one-half per centum preference stock;

Nineteen thousand one hundred and fifty-three pounds four per centum irredeemable debenture stock;

Twenty-four thousand three hundred and ninety-five pounds five per centum irredeemable debenture stock.

6. As the consideration for the sale and transfer to the Corporation of the water undertaking of the Company the

[Ch. xxxviii.] *Winchester Corporation* [26 GEO. 5. &
Act, 1936. 1 EDW. 8.]

A.D. 1936. Corporation shall as soon as reasonably practicable after the
— date of transfer and subject to the provisions of clause 7 of this
agreement—

(a) Issue to the Company for the purpose of distribution among its stockholders the following amounts of the following stocks of the Corporation (that is to say) :—

Seventy-one thousand four hundred and thirty-eight pounds five per centum stock ;

Twelve thousand three hundred pounds four per centum stock ;

Eight thousand two hundred pounds five per centum stock ;

Eighteen thousand four hundred and fifty pounds five and one-half per centum stock :

(b) Issue to the Company for the purpose of distribution among the holders of its irredeemable debenture stock the following amounts of the following irredeemable stocks of the Corporation (that is to say) :—

Nineteen thousand one hundred and fifty-three pounds four per centum irredeemable stock ;

Twenty-four thousand three hundred and ninety-five pounds five per centum irredeemable stock :

Provided that the Corporation may by agreement with the holder of any debenture stock of the Company substitute for all or any of the irredeemable stock issued to the Company for distribution to him any stock mortgage or security of the Corporation or pay for the amount secured by such debenture stock.

7. If for the purpose of facilitating the distribution of the stocks of the Corporation forming part of the consideration under this agreement among the holders of ordinary and preference stocks and debenture stocks of the Company the Company shall desire that such holders shall be registered as the holders of any aliquot amount of such stocks of the Corporation and shall give notice of such their desire to the Corporation not less than fourteen days before the date of transfer and at the same time deliver to the Corporation a statement containing the names and addresses of such holders and the amount of such stocks of the Corporation of which each such holder is to be registered as the holder the Corporation shall comply with such desire and issue and deliver to the Company as soon as reasonably practicable after the date of transfer the appropriate certificates made out in the names of such holders Provided that in every case where under the foregoing provisions of this clause a holder of any ordinary or preference stock or debenture stock of the Company would be registered as the holder of any amount of stock including

[26 GEO. 5. & *Winchester Corporation* [Ch. xxxviii.]
1 EDW. 8.] Act, 1936.

any fractional part of one pound the Corporation in lieu of registering such holder and issuing a certificate made out in his name as holder of an amount of stock including such fractional part shall pay to the Company for distribution to such holder a sum in cash equal to the value of such fractional part at the mean market price on the date of transfer and shall register such holder and issue a certificate made out in his name as holder of the amount of stock excluding such fractional part. A.D. 1936.

If any question shall arise as to the said mean market price the certificate of the treasurer of the city of Winchester with reference thereto shall be conclusive.

8. All such stock of the Corporation as aforesaid shall carry interest from the date of transfer payable half-yearly and except as to the irredeemable stock all such stock shall be redeemable at par at the expiration of not less than thirty or more than forty years from the date of transfer.

9. Notwithstanding the transfer hereby agreed upon the Company shall be at liberty out of the funds of the Company which if this agreement had not been made would have been available for the purpose to pay interest (less income tax) on the debenture stocks of the Company and to declare and pay dividends (less income tax) on the preference stocks of the Company at the rates of four per centum five per centum and five and one-half per centum per annum as the case may be and on the consolidated ordinary stock of the Company at the rate of five and one-half per centum per annum in respect of the half year ended thirtieth day of June nineteen hundred and thirty-six.

10. The Company shall to the exclusion of the Corporation be responsible for and shall bear and pay and shall indemnify the Corporation against all debts and liabilities of every kind in respect of mortgages debentures debenture stock or other similar charges on or affecting the undertaking of the Company and all outgoing debts and liabilities due from or payable by the Company in respect of the water undertaking up to the date of transfer but save as aforesaid the Corporation shall (as further part of the consideration for the said transfer) take over bear pay discharge and indemnify the Company against all the debts and liabilities of the Company in respect of the water undertaking after the date of transfer and the Corporation shall also observe and perform all the obligations attaching to the Company at the said date in respect of the water undertaking (save as aforesaid) including the payment of such proportion of directors' fees accrued due to the date of transfer at the rates operative at the date of this agreement as is attributable to the water undertaking and shall indemnify the Company against any claim or demand in respect thereof.

A.D. 1936.
—

11. The purchase shall be completed at the offices of the Company on the date of transfer and thereupon the Company and all other necessary parties shall execute and do all assurances and things for vesting the water undertaking in the Corporation (if and so far as the same shall not be or become vested in the Corporation without any assurance by or in pursuance of the Act the Bill for which is hereinbefore recited) and giving them the full benefit of this agreement as shall be reasonably required by the Corporation.

12. The Corporation shall without investigation objection or requisition accept the title of the Company to the freehold premises forming part of the water undertaking.

13. (a) The Company shall on the date of transfer deliver to the Corporation all books deeds agreements engineer's opinions and reports plans blue prints descriptions of works vouchers letters books and other records of the business and proceedings of the Company relating exclusively to the water undertaking and all other documents drafts or writings relating exclusively thereto whether in the possession of the Company or their solicitors agents or engineer other than and except books and papers relating exclusively to the shareholders and to the constitution of the Company.

(b) The Corporation shall be entitled to have access to and to take copies of all books deeds agreements engineer's opinions and reports plans blue prints descriptions of works vouchers letters books and other records of the business and proceedings of the Company relating to their joint undertakings and whether delivered to the Southampton Gas Light and Coke Company or not.

(c) The Company shall on the date of transfer deliver to the Corporation copies of all deeds relating to the water undertaking which are not delivered to the Corporation and shall give to the Corporation an acknowledgment of the right of the Corporation to the production of the said deeds.

14. From the date of this agreement until the day of the date of transfer or the determination of this agreement the water undertaking shall be managed and carried on by the Company in the ordinary course of business and if the actual transfer has not been completed until after the date of transfer then the water undertaking shall be managed and carried on by the Company in accordance with the provisions of this agreement for the benefit and on behalf of the Corporation and accordingly all moneys received and paid by the Company after the date of transfer in respect of the water undertaking shall (subject as in this agreement provided) be deemed to have been and to be received and paid for and on account of the Corporation and the Corporation shall pay and discharge and indemnify the Company against all expenses liabilities and engagements whatsoever of the Company incurred

[26 GEO. 5. & Winchester Corporation [Ch. xxxviii.]
1 EDW. 8.] Act, 1936.

or entered into by the Company in the ordinary course of business and in accordance with the provisions of this agreement after the date of transfer for the purposes of and in the course of so carrying on the water undertaking but the directors of the Company between the date of this agreement and the date of transfer shall not without the consent of the Corporation (a) make any outlay or incur any liability in respect of the water undertaking otherwise than in the ordinary way of business (b) create any new stocks (c) incur any capital expenditure (d) alter the charges for water or the rental of meters and other appliances (e) increase the remuneration of the directors auditors officials or employees (f) grant pensions or retiring gratuities. A.D. 1936.

15. The Company shall not after the date of this agreement enter into any contract in respect of or affecting the water undertaking (except such contracts as are in the ordinary course of business) the duration of which shall extend beyond the date of transfer without the consent of the Corporation.

16. (a) The Corporation shall within one month of the date of transfer pay to each director of the Company including the managing director in office at the date of transfer and who was in office as such immediately before the date of this agreement a sum equal to seven times the amount allocated in the books of the Company to the water undertaking and received by such director and managing director from the Company in respect of the year nineteen hundred and thirty-five including the income tax thereon.

(b) The Corporation shall within the period of one month after the date of transfer pay to the auditors by way of compensation for loss of office a sum of one hundred and thirty pounds.

(c) The Corporation shall pay to William Davies Walker the secretary of the Company within one month of the date of transfer one thousand three hundred pounds as compensation for loss of office.

(d) The Corporation shall within one month of the date of transfer pay to Ernest Edmonds the professional accountant of the Company the sum of seven hundred and three pounds by way of compensation for loss of office.

17.—(1) The Corporation shall either take over and employ in suitable positions as and from the date of transfer all the persons named in the Second Schedule hereto at salaries and wages and on terms of employment not less favourable to such persons than those governing their employment on the thirteenth day of November nineteen hundred and thirty-five with the Company or pay to those persons compensation in accordance with paragraph (2) of this clause.

(2) The Corporation shall pay compensation to any of the officers and servants named in the Second Schedule hereto who

A.D. 1936. — shall not be taken over by the Corporation and employed in the same or similar office or employment and at the same or like salary and on the same or like terms and conditions in at and on which they respectively were employed by the Company on the thirteenth day of November nineteen hundred and thirty-five in respect of any loss of office or diminution of salary or emoluments by reason of the transfer of the undertaking of the Company to the Corporation and such compensation in default of agreement shall be determined in accordance with the provisions of the Fourth Schedule of the Local Government Act 1933 which so far as applicable shall apply thereto as if the words "the Corporation" were substituted for the words "the local authority" and "authority" whenever they occur therein and if and in so far as the provisions of that section do not apply then the Arbitration Acts 1889 and 1934 shall apply thereto Except where and when necessary by reason of trade union or Government intervention no such officer or servant shall have his salary or wages increased or the terms of service altered by the Company between the execution of this agreement and the date of transfer except with the written consent of the Corporation Provided that—

(a) in estimating the salary or wages for the purpose of compensation under this clause regard shall be had to the probability of the continuance of any bonus being paid to such officer or servant;

(b) in any case under this section submitted to arbitration the arbitrator shall unless the parties otherwise agree be some person to be named on the application of either party by the Minister of Health.

(3) In the application of the provisions of the Local Government and other Officers' Superannuation Act 1922 to any of the officers and servants named in the Second Schedule hereto who shall be taken over by the Corporation service with the Company shall be deemed to be non-contributory service with a local authority as defined in the said Act.

18. The Corporation shall as from the date of transfer pay the following annuities or pensions during the lives of the respective recipients such annuities or pensions to be paid monthly in arrear to Alfred Henry Dolton and weekly in arrear to William Lowe :—

Name of annuitant or pensioner.	Amount of annuity or pension.
Alfred Henry Dolton - -	One hundred and twenty pounds per annum.
William Lowe - - -	Sixty-one pounds and two shillings per annum.

19. If the Corporation take over and employ Charles A. Baker (an inspector of the Company) they shall on his resigning or ceasing to hold office— A.D. 1936.
—

- (a) having attained the age of sixty-five; or
- (b) having become incapable of discharging the duties of his office or employment with efficiency by reason of permanent ill-health or infirmity of mind or body;

but not if he is dismissed or resigns or otherwise ceases to hold office in consequence of any offence of a fraudulent nature or of grave misconduct pay to him an annuity or pension equal to one-half of his annual salary immediately prior to his retirement or the termination of his employment for the remainder of his life such annuity or pension to commence from the date of retirement or termination of employment (as the case may be) and to be paid monthly in arrear.

20. This agreement is subject to the approval of the proprietors of the Company which approval the directors of the Company shall use their best endeavours to obtain and to the passing into law of the said Bill for the necessary powers to enable the purpose of this agreement to be carried into effect and to such alterations as may be made by Parliament therein.

21. The Corporation shall use their best endeavours to obtain the said Bill for powers to enable the purposes of this agreement to be carried into effect and to sanction any necessary modifications of the enactments relating to the Company consequent upon the transfer of the water undertaking The Company will at the expense of the Corporation do all things which may be reasonably required by the Corporation to assist them in obtaining the passing of the said Bill into law.

22. The costs and expenses of the Company of and incident to this agreement of stamp duty and of the said Bill shall in so far as they may not at the date of transfer have been paid by the Company be paid by the Corporation.

23. If the said Bill fails to pass into law before the end of the year nineteen hundred and thirty-seven this agreement shall become void and of no effect and if any material alteration affecting the subject matter of this agreement shall be made by Parliament in the said Bill or in this agreement then either party hereto may by notice in writing to the other of them withdraw from the agreement and thereon the Corporation shall withdraw the said Bill or so much thereof as relates to the subject matter of this agreement.

A.D. 1936.
—

24. Any difference arising under this agreement between the Company and the Corporation shall be referred to a counsel to be nominated by the President of the Law Society on the application of either party hereto and subject as aforesaid the provisions of the Arbitration Acts 1889 and 1934 or any statutory amendment thereof for the time being in force shall apply to such reference.

In witness whereof the parties hereto have caused their respective common seals to be hereunto affixed the day and year first above written.

FIRST SCHEDULE.

LANDS AND PROPERTIES TO BE TAKEN OVER BY THE CORPORATION.

LANDS FOR WATERWORKS.

1. A piece of land in the city of Winchester containing .504 acres or thereabouts bounded on the north partly by the Romsey Road on the east by the western boundary of the premises known as No. 37 Romsey Road then again on the north by the premises known as Nos. 37 35 33 31 29 27 and 25 Romsey Road and by the stores and yard in Romsey Road adjoining the eastern boundary of the said premises No. 25 Romsey Road and again on the east partly by the premises known as Nos. 1 to 6 Highfield Terrace and partly by the premises known as No. 3 Mews Lane on the south by a private road being a continuation westward of Mews Lane on the north of the premises known as "Egmont" St. James' Lane and on the west by land situated to the southern side of Romsey Road and belonging or reputed to belong to the corporation of Winchester.

The piece of land as described aforesaid includes the properties known as "Culross Cottage" No. 39 Romsey Road and "Culross" being No. 41 Romsey Road in the occupation of the Winchester Water and Gas Company.

2. A piece of land containing $\left. \begin{array}{l} .255 \\ .831 \end{array} \right\}$ acres or thereabouts in the city of Winchester being enclosures Nos. 253 253A and 254 on the 1/2500 Ordnance map Hampshire sheet XL.16 (edition of 1932).

3. A piece of land containing .453 acres or thereabouts in the city of Winchester being enclosure No. 191 on the 1/2500 Ordnance map Hampshire sheet XLI.13 (edition of 1932). A.D. 1936.

PROPERTIES.

4. A house and garden containing .6 acres or thereabouts known as St. George's Lodge 18 St. James' Lane in the city of Winchester.

5. A house and garden containing .2 acres or thereabouts known as "Firlands" 14 St. James' Lane in the city of Winchester.

6. The properties containing .1 acres or thereabouts known as Nos. 1 2 and 3 Mews Lane in the city of Winchester.

7. The properties known as Nos. 16 and 19 Staple Garden in the city of Winchester.

SECOND SCHEDULE.

PERSONS EMPLOYED IN CONNECTION WITH THE
WATER UNDERTAKING.

Name.	Description.
" A " works—	
Wilmot W. J.	Foreman.
Bradbury	Stoker.
Smith	Stoker.
Newman	Stoker.
Dowse	Labourer and cleaner.
Cobb	Boy.
" B " inspectors and clerks—	
Baker C. A.	Inspector.
Reynolds A.	Inspector.
Ribbick A.	Turncock.
Walsh Miss	Clerk wages invoice and rental.
Underwood C. J.	Rental clerk.
" C " clerks and collector—	
Coleman W. W.	Cashier.
Small W.	Collector.
Dixon Miss	Clerk and typist.

A.D. 1936.

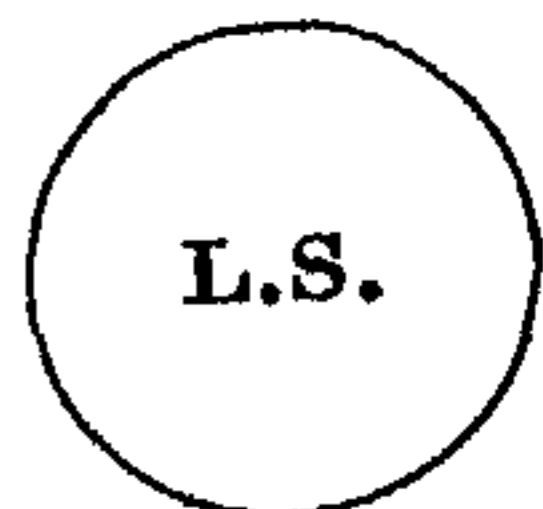
Name.

Description.

“ D ” mains and meter repairs—

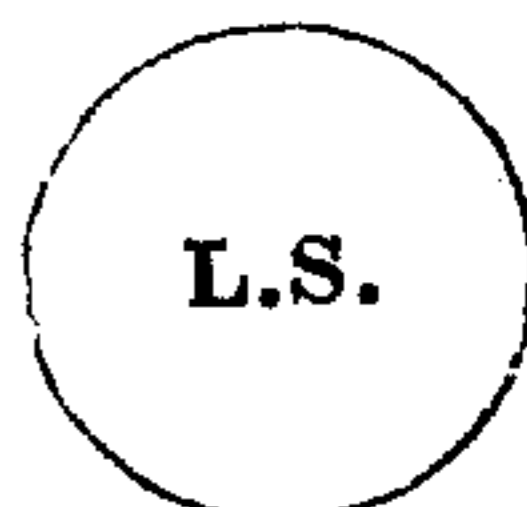
Austin G.	-	-	-	Meter shop.
Goodridge	-	-	-	Meter shop.
Watmore A.	-	-	-	Fitter.
Greener D.	-	-	-	Mains and services.
Marsh	-	-	-	Mains and services.
Chandler	-	-	-	Mains and services.
Pritchard	-	-	-	Stores.
Yaldren	-	-	-	Lorry driver.

W. BARROW SIMONDS }
 HAROLD W. WARREN } Directors.



W. D. WALKER
 Secretary.

The common seal of the mayor
 aldermen and citizens of the
 city of Winchester was here-
 unto affixed in the presence of



ARTHUR T. EDMONDS.
 Mayor.

J. A. CROMPTON
 Town clerk.

THE SECOND SCHEDULE.

**PROVISIONS OF THE WINCHESTER WATER AND GAS
 ACT 1929 SAVED FROM REPEAL.**

WINCHESTER WATER AND GAS ACT 1929.

Power to
 maintain &c.
 waterworks.

Section 7.—The Company may in upon or under the lands described in the First Schedule to this Act in or upon or under which the existing pumping station wells adits and other waterworks of the Company are now respectively situate so long as they are possessed of the said lands or any necessary rights or easements therein maintain and continue the said waterworks and may from time to time in upon or under the said lands alter extend enlarge renew and improve the same.

Section 8.—The Company may pump collect impound take use divert and appropriate for the purposes of the water under-taking all underground streams springs and water which will or may be taken or intercepted by means of the waterworks and under the lands referred to in the section of this Act of which the marginal note is “Power to maintain &c. waterworks” and described in the First Schedule to this Act.

A.D. 1936.

Power to
take water.

THE FIRST SCHEDULE.

LANDS FOR WATERWORKS.

1. A piece of land belonging to the Company in the city of Winchester containing .504 acres or thereabouts bounded on the north partly by the Romsey Road on the east by the western boundary of the premises known as No. 37 Romsey Road then again on the north by the premises known as Nos. 37 35 33 31 29 27 25 Romsey Road and by the stores and yard in Romsey Road adjoining the eastern boundary of the said premises No. 25 Romsey Road and again on the east partly by the premises known as Nos. 1 to 6 Highfield Terrace and partly by the premises known as No. 3 Mews Lane on the south by a private road being a continuation westward of Mews Lane on the north of the premises known as “Egmont” St. James’ Lane and on the west by land situated to the southern side of Romsey Road and belonging or reputed to belong to the corporation of Winchester.

2. The properties containing .1 acres or thereabouts known as Nos. 1 2 and 3 Mews Lane in the city of Winchester.

3. A house and garden containing .38 acres or thereabouts belonging to the Company known as St. George’s Lodge St. James’ Lane in the city of Winchester.

4. A piece of land containing .831 acres or thereabouts belonging to the Company in the city of Winchester being enclosures Nos. 253 and 254 on the 1/2500 Ordnance map Hampshire sheet XL.16 (edition 1909).

5. A piece of land containing .475 acres or thereabouts belonging to the Company in the city of Winchester being enclosure No. 191 on the 1/2500 Ordnance map Hampshire sheet XLI.13 (edition of 1909).

A.D. 1936.

THE THIRD SCHEDULE.

PROVISIONS OF LOCAL AUTHORITY (STOCK) REGULATIONS 1934 APPLIED.

Article of Local Authorities (Stock) Regulations 1934.	Modification.
5	
6	
7	
9	
10	Not to apply to irredeemable stock.
11	
12	
13	Not to apply to irredeemable stock.
16 to 19 (inclusive)	
21 to 23 (inclusive)	
24	The omission of the words "Unless the local authority have compounded for stamp duty" and the words "notwithstanding anything in any resolution of the local authority or in these regulations".
25 to 31 (inclusive)	
37 to 39 (inclusive)	
40	Not to apply to irredeemable stock.
42	
43	The omission of paragraphs (a) and (b) and of the words "stock certificate to bearer" in paragraph (c).
44	
45	The omission of paragraph (1)
The schedule	Only so much as relates to article 44 of the regulations.

THE FOURTH SCHEDULE.

A.D. 1936.

PART I.

REDUCTION OF PROPORTION OF SUPERANNUATION ALLOWANCE
ALLOCATED TO WIFE.

Age of wife at husband's age of 65.	Rate per centum of reduction.
64	3½
63	6½
62	9¼
61	12
60	14¼
59	16½
58	18½
57	20½
56	22¼
55	24

PART II.

REDUCTION OF SUPERANNUATION ALLOWANCE.

Difference of age between husband and wife.	Further percentage reduction from husband's superannuation allowance.
Less than 1 year	1 per cent.
1 year and less than 2 years	2 " "
2 years " "	3 " "
3 " " " 4 " "	3¾ " "
4 " " " 5 " "	4½ " "
5 " " " 6 " "	5¼ " "
6 " " " 7 " "	6 " "
7 " " " 8 " "	6¾ " "
8 " " " 9 " "	7½ " "
9 " " " 10 " "	8¼ " "
10 " " " 11 " "	9 " "

Printed by EYRE AND SPOTTISWOODE LIMITED

FOR

SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;
York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any Bookseller

