

[26 GEO. 5. &
1 EDW. 8.]

South Staffordshire
Waterworks Act, 1936.

[Ch. li.]



CHAPTER li.

An Act to authorise the South Staffordshire Waterworks Company to construct new works and to raise additional capital to extend the limits of supply of the Company and for other purposes.

A.D. 1936.

[14th July 1936.]

WHEREAS the South Staffordshire Waterworks Company (in this Act referred to as "the Company") were incorporated by the South Staffordshire Waterworks Act 1853 and by the South Staffordshire Waterworks Acts and Order 1853 to 1932 were empowered to construct works and supply water within the limits thereby prescribed :

16 & 17 Vict.
c. cxxxiii.

And whereas the demand for water within the limits of supply of the Company has increased and is increasing and to enable the Company to meet such demand it is expedient that the Company should be empowered to make and maintain the works in this Act described and to acquire lands for the purposes thereof :

And whereas it is expedient that the limits for the supply of water by the Company should be extended as by this Act provided :

And whereas it is expedient that communication pipes and apparatus together with the liability for the maintenance repair and renewal thereof should to the extent mentioned in this Act be transferred to the Company :

[Price 1s. 0d. Net]

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And whereas a statement of the authorised and paid-up capital of the Company is set forth in the First Schedule to this Act and it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and of their undertaking and should have other financial powers conferred upon them as provided by this Act :

And whereas it is expedient that the five per centum preference stock classes A B C D E and F should be consolidated into five per centum consolidated preference stock :

And whereas plans and sections of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the county councils of Stafford and Worcester and those plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas it is expedient that further powers should be conferred upon the Company with respect to the other matters in this Act contained :

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

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

PART I.

PRELIMINARY.

Short and
collective
titles.

1. This Act may be cited as the South Staffordshire Waterworks Act 1936 and the South Staffordshire Waterworks Acts and Order 1853 to 1932 and this Act may be cited together as the South Staffordshire Waterworks Acts and Order 1853 to 1936.

2. This Act is divided into Parts as follows:—

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Part I.—Preliminary.

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Division of
Act into
Parts.

Part II.—Waterworks.

Part III.—Lands.

Part IV.—Supply of water.

Part V.—Finance.

Part VI.—Miscellaneous.

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):—

Incorpora-
tion of
general
Acts.

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

(b) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof Provided that in construing the said provisions for the purposes of this Act the expression "the railway" shall mean the works by this Act authorised and "the centre of the railway" shall mean the centre lines of such works;

8 & 9 Vict.
c. 20.

(c) The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital except the provisions thereof which limit the rate of dividend on preference capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts;

8 & 9 Vict.
c. 16.

26 & 27 Vict.
c. 118.

- A.D. 1936.
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10 & 11 Vict.
c. 17.
26 & 27 Vict.
c. 93.
- (d) The Waterworks Clauses Acts 1847 and 1863 (except the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847).
- 8 & 9 Vict.
c. 18.
- (2) Sections 127 to 131 (inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any land which is now vested in the Company or is hereafter acquired by them.
- Interpreta-
tion.
4. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And—
- “The Company” means the South Staffordshire Waterworks Company;
- “The new works” means the works described in the section of this Act of which the marginal note is “Power to make waterworks”;
- “The limits of supply” means the limits within which the Company are from time to time authorised to supply water;
- “The undertaking” means the undertaking of the Company for the time being authorised;
- 9 Edw. 7.
c. xlix.
- “The Act of 1909” means the South Staffordshire Waterworks Act 1909;
- 5 & 6 Geo. 5.
c. lxx.
- “The Act of 1915” means the South Staffordshire Waterworks Act 1915;
- 12 & 13
Geo. 5.
c. lxxxii.
- “The Act of 1922” means the South Staffordshire Waterworks Act 1922;
- 22 & 23
Geo. 5.
c. xxviii.
- “The Act of 1932” means the South Staffordshire Waterworks Act 1932;
- “The directors” means the directors of the Company;
- 41 & 42 Vict.
c. 76.
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“ Street ” means—

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(a) any square court alley highway lane road thoroughfare or passage within the limits of supply; or

(b) any place within those limits laid out for any such purpose;

(whether the same be or be not dedicated to public use);

“ Service pipe ” means so much of any pipe for conveying water from a service main of the Company to any house building or premises as is subject to water pressure from such main;

“ Stopcock ” means a stopcock which is fitted on a service pipe and every part of which is situate in a street;

“ Communication pipe ” means so much of any service pipe as extends from a service main of the Company to the point at which such service pipe passes the boundary of the street or the point at which such pipe enters any premises in or under the street whichever of those points is the nearer to the service main and includes the ferrule at the junction of such pipe with such service main and any stopcock fitted on such communication pipe together with the box (if any) containing the same and any cover to such box;

“ Supply pipe ” means so much of any service pipe as is not a communication pipe;

“ The appointed day ” means the first day of January one thousand nine hundred and thirty-seven;

“ The date of transfer ” means—

(a) in relation to any service pipe laid down before the passing of this Act the date of the passing of this Act; and

(b) in relation to any service pipe laid down or to be laid down on or after the date of the passing of this Act and before the appointed day the appointed day;

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“Consumer” means in relation to any supply of water which the Company are required to furnish the person entitled to require and requiring that supply.

PART II.

WATERWORKS.

Power to
make
waterworks.

5. Subject to the provisions of this Act the Company may make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works (that is to say):—

In the county of Stafford—

Work No. 1 A well and pumping station (to be called “Kinver pumping station”) in the parish of Kinver in the rural district of Seisdon in the enclosure marked “Water Works (Seisdon R.D.C.)” and “Saw Mill” in that parish on the 1/2500 Ordnance map (Staffordshire sheet No. LXX.16 edition of 1924);

Work No. 2 A line or lines of pipes (No. 1) commencing in the said parish of Kinver at the Kinver pumping station (Work No. 1) hereinbefore described and terminating in the urban district of Brierley Hill by a junction with the existing line of pipes of the Company at the junction of Enville Road with High Street Wall Heath;

Work No. 3 A well and pumping station (to be called “Seedy Mill pumping station”) in the parishes of Curborough and Elmhurst and King’s Bromley in the rural district of Lichfield in the enclosures numbered respectively 6 and 647 in those parishes on the 1/2500 Ordnance map (Staffordshire sheet No. LII.2 edition of 1924);

Work No. 4 A line or lines of pipes (No. 2) commencing at the Seedy Mill pumping station (Work No. 3) hereinbefore described

and passing through the parishes of Curborough and Elmhurst and Longdon in the rural district of Lichfield and terminating in the urban district of Cannock by a junction with the existing line of pipes of the Company at Cannock Wood;

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Work No. 5 A line or lines of pipes (No. 3) commencing in the parish of Brindley Heath in the rural district of Lichfield by a junction with the existing line of pipes of the Company at the existing Moors Gorse pumping station, and terminating in the urban district of Cannock by a junction with the existing line of pipes of the Company at the junction of Walsall Road with Podgy Lane;

Work No. 6 A line or lines of pipes (No. 4) in the urban district of Cannock commencing by a junction with the existing line of pipes of the Company at the junction of Rugeley Road with Rawnsley Road and terminating by a junction with the existing line of pipes of the Company at the junction of Cannockwood Road with Sevens Road;

Work No. 7 A line or lines of pipes (No. 5) commencing in the parish of Shenstone in the rural district of Lichfield by a junction with the existing line of pipes of the Company at the junction of Old Chester Road with Birch Lane and terminating in the urban district of Aldridge by a junction with the existing line of pipes of the Company at their Barr Beacon service reservoir:

In the county of Worcester—

Work No. 10 A water tower in the borough of Oldbury in the enclosure numbered 830 on the 1/2500 Ordnance map (Worcestershire sheet V.10 edition of 1919).

6. In addition to the new works the Company subject to the provisions of this Act may upon any lands delineated on the deposited plans make and maintain all such adits headings boreholes buildings machinery works and apparatus of whatever character

Subsidiary
works.

A.D. 1936. — as may be necessary or convenient in connection with or subsidiary to any of the new works but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them :

Provided that any electrical works or apparatus made or maintained under the provisions of this section shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Application
of provisions
of Acts of
1922 and
1932 to
Part II.

7. The following sections of the Act of 1922 and the Act of 1932 shall extend and apply to and for the purposes of this Part of this Act as if those sections were with any necessary modifications re-enacted in this Act :—

The Act of 1922—

Section 29 (For protection of Staffordshire and Worcestershire Canal Company) :

Provided that in its application to this Part of this Act the said section shall be read and have effect as if the Kinver pumping station (Work No. 1) by this Act authorised had been referred to in lieu of the pumping station (Work No. 4) mentioned in that section.

The Act of 1932—

Section 9 (Limits of deviation) ;

Section 10 (Period for completion of works) ;

Section 11 (Works to form part of undertaking) ;

Section 13 (Power to take waters) ;

Section 17 (Temporary stoppage of streets) :

Provided that notwithstanding the stopping up of any street under the powers of the said section it shall be lawful for the Cannock District Gas Company Limited their engineers and workmen and others in their employ to enter upon any such street to execute and do all such works and things in upon or under such street as may be necessary for inspecting

repairing maintaining removing or renewing any apparatus of the Cannock District Gas Company Limited in or under such street; A.D. 1936.
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Section 18 (Discharge of water into streams);

Section 19 (Provision where existing wells affected):

Provided that in its application to this Part of this Act the said section shall be read and have effect as if the Kinver or Seedy Mill pumping stations (Works Nos. 1 or 3) by this Act authorised as the case may be had been referred to in lieu of the Chilcote pumping station and as if the date of the passing of this Act had been referred to instead of the date of the passing of the Act of 1932;

Section 22 (For protection of Staffordshire County Council);

Section 26 (For protection of pipes and electric lines &c. of local authorities);

Section 33 (For protection of Central Electricity Board);

Section 35 (For protection of Dudley Brierley Hill and District Gas Company):

Provided without prejudice to the generality of the foregoing provisions of this section that in its application to this Part of this Act the said section shall be read and have effect as if the words "Work No. 2" were substituted for the words "Works Nos. 6 and 7."

8. The provisions of section 27 (For protection of London Midland and Scottish Railway Company) of the Act of 1932 shall so far as applicable extend and apply with respect to Works Nos. 5 6 and 7 by this Act authorised as if the same with the necessary modifications were re-enacted in this Act. For protection of London Midland and Scottish Railway Company.

9. The provisions of section 35 (For protection of Dudley Brierley Hill and District Gas Company) of the Act of 1932 in its application to this Part of this Act shall enure for the benefit of the Cannock District Gas Company Limited as if that Company had been referred to in addition to the Dudley Brierley Hill and District Gas Company Limited. For protection of Cannock District Gas Company Limited.

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District Gas Company and as if Works Nos. 4 5 and 6 by this Act authorised had been referred to in lieu of Works Nos. 6 and 7 authorised by the Act of 1932.

For
protection
of River
Severn
Catchment
Board.

10. The following provisions for the protection of the River Severn Catchment Board (in this section referred to as "the catchment board") shall unless otherwise agreed in writing between the Company and the catchment board apply and have effect:—

- (1) The Company before commencing to execute any part of Work No. 2 by this Act authorised which may affect the river Stour or the bed or banks thereof shall submit to the catchment board plans and sections thereof for their reasonable approval. If the catchment board do not within twenty-one days after the submission to them of any such plans and sections signify to the Company in writing their approval or disapproval thereof they shall be deemed to have approved thereof:
- (2) Such work shall not be executed otherwise than in accordance with such plans and sections as may be approved by the catchment board or if such approval be withheld as may be settled by arbitration and shall be executed to the reasonable satisfaction of the catchment board.

PART III.

LANDS.

Power to
acquire
lands.

11. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the new works.

Correction
of errors
omissions
&c.

12. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices hearing the application

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that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall be deposited with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

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13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October one thousand nine hundred and thirty-six.

Period for compulsory purchase of lands.

14. The following sections of the Act of 1932 shall extend and apply to and for the purposes of this Part of this Act as if those sections were with any necessary modifications re-enacted in this Act:—

Application of provisions of Act of 1932 to Part III.

Section 37 (Power to acquire easements compulsorily in certain cases);

Section 38 (Easements only for works underground);

Section 40 (As to private rights of way over lands taken compulsorily);

Section 41 (Persons under disability may grant easements &c.);

Section 44 (Acquisition of lands by agreement).

15. Notwithstanding anything in the South Staffordshire Waterworks Acts and Order 1853 to 1932 or this Act or any Act incorporated therewith respectively the Company may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner for

Retention and disposal of lands.

A.D. 1936. — such consideration and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take money for equality of exchange.

PART IV.

SUPPLY OF WATER.

Extension
of limits
of supply.

16. The limits within which the Company may supply water and exercise the powers conferred upon them by the South Staffordshire Waterworks Acts and Order 1853 to 1936 shall extend to and include in addition to their existing limits the limits described in the Second Schedule to this Act.

For
protection
of London
and North
Eastern
Railway
Company.

17. Notwithstanding anything contained in this Act the provisions of section 28 (For protection of London and North Eastern Railway Company) of the Act of 1932 shall extend and apply to any works of the Company laid down and maintained by the Company under the powers of the section of this Act of which the marginal note is "Extension of limits of supply."

For further
protection
of London
Midland and
Scottish
Railway
Company.

18. The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter referred to as "the railway company") shall unless otherwise agreed between the Company and the railway company be in force and have effect:—

- (1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works of the Company upon across over under or in any way affecting the railways lands or property belonging to the railway company or used or occupied by them for the purposes of their undertaking or the bridges approaches viaducts stations or other works or any level crossings over the

railways of the railway company the same shall (except in case of emergency) be done under the superintendence if the same be given and to the reasonable satisfaction of the principal engineer of the railway company according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company Provided that if the said engineer shall not express his disapproval of such plans within twenty-one days from the submission thereof he shall be deemed to have approved thereof :

- (2) The Company shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all the works matters and things aforesaid shall be constructed executed and done so as to cause as little injury as may be to the railways bridges level crossings approaches viaducts stations works lands or property of the railway company and so as not to cause any interruption to the passage or conduct of traffic over such railways or at any station thereon :
- (3) If any such injury or interruption as aforesaid shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure (not being due to the acts or defaults of the railway company their servants or agents) of any such mains pipes or works the Company shall make compensation in respect thereof to the railway company :
- (4) The Company shall from time to time pay to the railway company any additional expense which the railway company may reasonably incur in effecting any repair renewal or extension of the railways of the railway company in pursuance of any powers existing at the passing of this Act by reason of the

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existence of any mains pipes apparatus or works of the Company in over upon across or under the railways of the railway company :

- (5) Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall failing agreement be settled by arbitration.

Power to lay mains beyond limits of supply.

19. The Company may for the purposes of laying pipes for conveying water from their Chilcote pumping station to the limits of supply exercise as regards so much of the roads leading from the said station to Austrey and to Clifton Campville respectively as are situate in the parish of Chilcote in the rural district of Ashby-de-la-Zouch in the county of Leicester the powers conferred upon them by the Waterworks Clauses Act 1847 with reference to the breaking up of streets for the purpose of laying pipes as if such roads were within the limits of supply but nothing in this section shall authorise the Company to supply water beyond such limits.

Transfer of communication pipes to Company.

20. As on and from the date of transfer so much of every service pipe existing at that date as constitutes at that date a communication pipe shall by virtue of this Act be transferred to and belong to the Company without payment therefor and the rights and obligations of the Company with reference to the maintenance repair renewal and removal of pipes laid down by them shall extend and apply to all communication pipes so transferred to them as if such communication pipes had been laid down by the Company.

As to communication pipes for supplies required after appointed day.

21.—(1) For the purposes of any supply of water which the Company shall be required on or after the appointed day to furnish for any purpose the Company shall notwithstanding anything contained in any other Act relating to them have the exclusive right to provide and lay down and shall (at the request of a consumer who has laid the supply pipe and paid or tendered the water rate or portion of water rate payable in respect of the premises to be supplied) provide and lay down with all reasonable dispatch the communication pipe

with any other necessary and proper apparatus including a stopcock with a suitable box and cover Provided that if the Company so require the consumer shall deposit with the Company before they commence to lay down such communication pipe and apparatus such a sum as the Company may deem reasonably necessary to meet the expense of providing and laying down the same.

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(2) If upon such request and upon payment or tender of the water rate or portion thereof as aforesaid the Company for fourteen days refuse or neglect to provide and lay down any communication pipe pursuant to subsection (1) of this section they shall be liable to forfeit to the person so making such request the sum of five pounds and a further sum of forty shillings for every day during which such refusal or neglect shall continue after fourteen days from the making of such request and payment or tender as aforesaid and such penalties shall be recoverable in a summary manner.

(3) The cost reasonably incurred by the Company in providing and laying down any such communication pipe and apparatus as aforesaid shall be borne by the consumer and the amount of such cost or so much (if any) thereof as shall not be covered by any sum deposited with the Company as aforesaid (as the case may be) shall upon the completion of the laying down of such communication pipe and apparatus be repaid to the Company by the consumer and shall be recoverable by the Company summarily as a civil debt.

(4) All communication pipes (with any such apparatus as aforesaid) provided and laid down by the Company in accordance with the provisions of this section shall belong to the Company and the rights and obligations of the Company with reference to the maintenance repair renewal and removal of pipes laid down by them shall extend and apply to such communication pipes and apparatus.

(5) Section 44 of the Waterworks Clauses Act 1847 as amended by section 32 (Section 44 of 10 & 11 Vict. c. 17 to extend to owners of all houses) of the South Staffordshire Waterworks Act 1866 and sections 45 to 47 of the Waterworks Clauses Act 1847 so far as those sections relate to any pipe which constitutes or forms part of a communication pipe shall cease to apply within the limits of supply.

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Provisions
where
separate
pipes are
substituted
for single
pipes
supplying
several
houses &c.

22. In any case in which pursuant to section 47 (Company need not supply several houses by one pipe) of the Act of 1922 as amended by this Act the Company at any time after the appointed day require that a separate pipe be laid from the main pipe into each of two or more houses or buildings theretofore supplied by them with water by means of a single pipe the provisions of the section of this Act of which the marginal note is "As to communication pipes for supplies required after appointed day" shall apply to the provision and laying down of so much of each of such separate pipes as constitutes a communication pipe as if such houses or buildings had not heretofore been supplied with water by the Company and the several occupiers thereof had on the date on which the Company make their said requirement required the Company to furnish to them respectively a supply of water :

Provided that nothing in this section shall affect the operation of the proviso to the said section 47.

Extension
of powers of
Company of
breaking
up streets.

23.—(1) On and from the appointed day the powers and obligations of the Company with reference to the opening breaking up and reinstatement of streets whether within or beyond the limits of supply for the purpose of laying pipes shall extend and apply to the laying down maintaining repairing renewing and removing by them of communication pipes and other apparatus under the provisions of this Act.

(2) As from the appointed day no person other than the Company shall be entitled to open or break up any street for laying down any communication pipe or any apparatus fitted thereon or for maintaining repairing renewing or removing any communication pipe transferred by this Act to or laid down by the Company or any apparatus fitted on any such communication pipe :

38 & 39 Vict.
c. 55.
33 & 34 Vict.
c. 78.

Provided that nothing in this subsection shall affect the provisions of section 153 of the Public Health Act 1875 or section 30 of the Tramways Act 1870.

(3) The Company shall not exercise the powers of this section in respect of any street which is the property of any railway company without the previous

consent of such railway company but such consent shall not be unreasonably withheld and any question as to whether or not such consent has been unreasonably withheld shall be referred to and determined by arbitration.

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24.—(1) Notwithstanding anything contained in any other Act—

Maintenance
of com-
munication
pipes and
supply
pipes.

(a) the person who immediately before the date of transfer was responsible for the maintenance repair and renewal of or entitled to remove any service pipe shall as on and from that date cease to be responsible for the maintenance repair or renewal of or to be entitled to remove so much of such pipe as constitutes a communication pipe transferred to the Company by virtue of this Act; and

(b) no person other than the Company shall be responsible for the maintenance repair renewal or removal of so much of any service pipe as constitutes a communication pipe transferred to the Company as aforesaid or laid down by the Company pursuant to this Act.

(2) Nothing in this Act shall alter or affect any right or obligation of any person—

(a) before the appointed day to provide lay down maintain repair renew or remove any service pipe and for that purpose to open the ground or open or break up the pavement of any street; or

(b) on and after the appointed day to provide lay down maintain repair renew or remove any supply pipe;

which would have existed if this Act had not been passed.

25.—(1) Notwithstanding anything in any Act relating to the Company the Company shall have the exclusive right of executing any works on any communication pipe for connecting therewith any supply pipe laid down on or after the appointed day and on the request of the consumer the Company shall (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets

Company
to make
connections
with com-
munication
pipes.

A.D. 1936. — for the purpose of laying pipes) execute on any such communication pipe any work and supply all fittings and materials which shall be necessary to connect therewith the supply pipe of such consumer.

(2) Any reasonable expenses incurred by the Company under this section shall on completion of the work be repaid to them by the consumer and shall be recoverable summarily as a civil debt.

As to
stopcocks.

26.—(1) Any stopcock fitted on a service pipe at any time after the appointed day shall be placed in some position to be approved by the local authority in the footway of the street in which such pipe is laid or if there be no footway in a position in or under the street as near as reasonably practicable to the premises supplied.

(2) The box containing any such stopcock shall not be larger than is reasonably necessary.

As to
register
of meters.

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

Amending
section 37
of Act of
1909.

28. Section 37 (Detection of waste) of the Act of 1909 shall be read and have effect as if the words “measuring the quantity of water supplied or” were inserted therein immediately preceding the words “preventing and detecting waste.”

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

29.—(1) In addition to the powers conferred by section 40 (Byelaws for preventing waste &c. of water) of the Act of 1909 the Company may make byelaws requiring the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus (in this section referred

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to as "fittings") and prescribing the charge to be made for such testing and stamping. A.D. 1936.

(2) All such byelaws shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority. The confirming authority for the purposes of the said section 250 shall be the Minister of Health. 23 & 24
Geo. 5. c. 51.

(3) Any such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared to afford a constant supply.

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

(5) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any fittings used on any premises which form part of the railway of a railway company so long as such fittings do not cause undue consumption misuse or contamination of water which is supplied by the Company.

30. Section 47 (Guarantees by local authorities) of the Act of 1915 shall be read and have effect as if the following subsection had been inserted therein after subsection (2) of that section :— Amending
section 47
of Act of
1915.

(2a) Subject to the provisions of subsection (4) of section 190 of the Local Government Act 1933 any expenses incurred by a rural district council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

A.D. 1936.

For pro-
tection of
electricity
undertakers.
45 & 46 Vict.
c. 56.
62 & 63 Vict.
c. 19.

31. Nothing in this Part of this Act shall—

- (i) extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1935 to which the provisions of section 15 of the Electric Lighting Act 1882 or of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections; or
- (ii) prevent or affect the exercise by any such undertakers or by the Company of any rights or powers under those provisions.

PART V.

FINANCE.

Consolida-
tion of
preference
stock.

32. The five per centum preference stock classes A B C D E and F as set forth in the statement of the capital of the Company in the First Schedule to this Act is hereby consolidated into and shall henceforth be known as “five per centum consolidated preference stock” ranking in all respects as one and the same class of stock. The holders of consolidated preference stock shall have voting rights according to the scale prescribed in respect of preference stock to which voting rights attach by section 77 (Voting rights) of the Act of 1922.

Exchange of
certificates.

33. The Company may call in and cancel the certificates of the existing five per centum preference stock of the Company converted into consolidated preference stock by this Act and issue in lieu thereof certificates of consolidated preference stock but no holder of such existing stock shall be entitled to any such certificate of proprietorship under this Act until he shall have delivered up to the Company to be cancelled the certificate of proprietorship of such existing stock or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof but if any holder of such existing stock neglect or omit to send or deliver to the Company his certificate or certificates thereof for the period of one year after notice in writing sent by post to him at the address of such holder appearing in the stockholders' address book or card or other index of the

Company the Company may retain any dividend declared upon or in respect of the consolidated preference stock representing such existing stock until such certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and an indemnity is given against any claim in respect of such lost or destroyed certificate or certificates to the satisfaction of the directors. A.D. 1936.

34. All consolidated preference stock into which existing five per centum preference stock is consolidated by this Act shall be held in the same rights upon the same trusts and subject to the same powers provisions charges and liabilities as those in or upon or subject to which such existing stock was held immediately before the passing of this Act and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing stock and trustees executors or administrators and all other holders in any representative or fiduciary capacity may retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing stock. Trustees to retain converted stock.

35. All transfers or other dispositions of any existing five per centum preference stock of the Company shall be valid and have due effect given to them respectively as transfers of the respective amounts of consolidated preference stock which such existing stock thereby expressed to be transferred or disposed of represents although the instrument transferring or disposing thereof respectively shall describe such stock by the name or denomination which the stock transferred or disposed of had before the passing of this Act and the bequest of or any covenant or provision of any deed or agreement relating to any specific amount of any such existing stock shall be held to relate to the nominal amount of consolidated preference stock representing such existing stock. Transfers of stock by present name to be valid.

36. The Company may from time to time raise additional capital not exceeding in the whole two hundred and fifty thousand pounds by the creation and issue at their option of ordinary stock or preference Additional capital.

A.D. 1936. — stock or partly by one and partly by the other of those modes but no such stock shall vest in the person accepting the same until the full price of such stock including any premiums obtained on the issue thereof shall have been paid in respect thereof :

Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of additional capital than shall be sufficient to produce including any premiums as aforesaid the sum of two hundred and fifty thousand pounds.

Power to
borrow.

37.—(1) The Company may at any time borrow on mortgage of the undertaking or by the creation and issue of debenture stock in respect of the capital of the Company issued prior to the passing of this Act and without obtaining any certificate of a justice under the Companies Clauses Consolidation Act 1845 any sum or sums not exceeding (inclusive of the amount raised by any debenture stock issued by the Company prior to the passing of this Act and for the time being outstanding) the total sum of one million and fifty thousand six hundred and ninety-three pounds.

(2) The Company may also borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount which at the time of borrowing has been actually paid up (including premiums) on any ordinary and preference stock issued after the passing of this Act but no sum shall be borrowed in respect of any capital so issued until the Company have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole amount payable on the issue of the stock with respect to which the borrowing powers are exercised and of the premium (if any) realised on the sale thereof have been fully paid up.

Application
of provisions
of Act of
1932 to
Part V.

38. The following sections of the Act of 1932 shall extend and apply to and for the purposes of this Part of this Act as if those sections were with any necessary modifications re-enacted in this Act :—

Section 67 (New capital to rank with existing capital of same class);

Section 68 (Sale of stock by auction or tender);

Section 69 (Limit of dividend on additional ordinary capital);

- Section 70 (Application of premiums); A.D. 1936.
Section 71 (Application of funds);
Section 73 (Debenture stock);
Section 75 (Priority of existing mortgages);
Section 77 (Redeemable preference stock and
debenture stock);
Section 78 (Provisions as to sale of stock and
payment of commissions).

39. All moneys raised or to be raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of any former Act relating to the Company or under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Priority of mortgages and debenture stock over other debts.

Provided that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

40. For the removal of doubts it is hereby declared that any stock issued in pursuance of section 70 (Issue of redeemable preference capital and debenture stock) of the Act of 1922 so as to be redeemable may be redeemed in the same manner as if that section had not been repealed by section 94 (Repeal) of the Act of 1932. As to issued redeemable stock.

41. The Company shall not make any payments on account of dividends in arrear prior to the first day of January one thousand nine hundred and twenty-eight nor shall the Company apply in the payment of dividends in arrear at the date of the passing of this Act any moneys other than moneys forming part of the revenue of the Company for any year or years during As to back dividends.

A.D. 1936. — which the rates and charges levied by the Company have not exceeded by fifty per centum the rates and charges levied by the Company in the year one thousand nine hundred and fourteen.

Annual
accounts.

42. The balance sheet and accounts made up by the Company in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall so far as the same relate to the profit or loss of the Company relate to the transactions of the Company in the course of the preceding year.

Appoint-
ment of
receiver.

43. Section 76 (Appointment of receiver) of the Act of 1932 is hereby repealed but without prejudice to any appointment made thereunder or to any proceedings pending at the passing of this Act. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

PART VI.

MISCELLANEOUS.

For
protection
of local
authorities.

44. The provisions of section 23 (For protection of county council of Stafford) of the Act of 1909 (except subsection (1) thereof) shall so far as the same are applicable extend and apply to and enure for the protection of any local authority whose area is within or partly within the limits of supply with respect to any works executed by the Company under this Act in the same manner and to the same extent as if the said provisions were re-enacted in this Act.

For pro-
tection of
Staffordshire
and
Warwick-
shire
county
councils.

45. For the protection of the county councils of the administrative counties of Stafford and Warwick (each of which is in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the county council and the Company have effect (that is to say):—

(1) The provisions of section 23 (For protection of county council of Stafford) of the Act of 1909

[26 GEO. 5. &
1 EDW. 8.]

South Staffordshire
Waterworks Act, 1936.

[Ch. li.]

(other than subsection (1) of that section) shall apply to the execution by the Company of any works under the authority of this Act affecting any bridge or county road situate in the administrative county of Stafford or the administrative county of Warwick and repairable by the county council as if references to such bridges and roads had been contained in the said provisions in addition to references to the bridges and roads mentioned therein: A.D. 1936.

- (2) In any case in which under the powers of the section of this Act of which the marginal note is "As to stopcocks" a stopcock is to be placed in any county road in the county of Stafford or the county of Warwick or in the footway thereof the position of the stopcock shall be such as shall be reasonably approved by the county council:
- (3) Any question or dispute arising under this section shall be referred to and determined by arbitration.

46. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the other or others of them) and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference. Arbitration.

47. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take Saving rights of Duchy of Lancaster.

A.D. 1936: away prejudice or diminish any estate right privilege
— power or authority vested in or enjoyed or exerciseable
by His Majesty His Heirs or Successors in right of
His said duchy.

Repeals. 48. The following enactments are hereby
repealed:—

The Act of 1922—

Section 50 (As to communication pipes).

The Act of 1932—

Section 42 (Retention and disposal of lands);

Section 81 (As to back dividends).

Costs of
Act.

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

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

STATEMENT OF THE AUTHORISED AND PAID-UP CAPITAL OF THE COMPANY.
CAPITAL AUTHORISED.

(1) Act or Order.	(2) Amount.	(3) Premiums prior to 1901.	(4) Description.	(5) Maximum dividend.	(6) Nominal amount.	(7) Total premiums (including column 3).	(8) Remaining to be issued.
1852	£ 25,000	£	Ordinary Stock Class A	Per cent. 10	£ 225,000	£	£
1853	160,000		do. B	7	690,240	279,847	196,673
1864	135,000		do. C	8	150,000		
1866	80,000	88,060	Preference Stock (Dudley)	4	6,250		
1875	200,000		do. Classes A B C D E and F	5	350,050		
1878	150,000		do. (Redeemable)	5½	400,000		
1893	150,000						
1901	300,000						
1909	60,000						
1915	150,000						
1922	300,000						
1932	500,000						
	2,210,000	88,060*			1,821,540	279,847	196,673
						<u>2,298,060</u>	
1932	1,149,030		LOAN CAPITAL				
Less capitalized rentcharge.	15,740		Permanent Debenture Stock	4	276,969	4,301	352,020
	£1,133,290		do.	5	500,000		
					776,969	4,301	352,020

* Prior to 1901 premiums were raised in addition to the amount of capital authorised.

A.D. 1936.

THE SECOND SCHEDULE.

EXTENDED LIMITS.

County of Stafford—

In the rural district of Uttoxeter—

Parish of Abbots Bromley.

Blithfield.

Draycott in the Clay.

Kingstone.

Marchington.

Newborough.

In the rural district of Tutbury—

Parish of Hanbury.

In the rural district of Lichfield—

Parish of Clifton Campville.

Drayton Bassett.

Edingale.

Harlaston.

Thorpe Constantine.

So much of the parish of Hints as prior to the coming into operation of the Staffordshire Review Order 1934 constituted the parish of Canwell in the rural district of Tamworth.

County of Warwick—

In the rural district of Tamworth—

Parish of Austrey.

Middleton.

Newton Regis.

Seckington.

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