

[26 GEO. 5. & Ministry of Health [Ch. xciii.]
1 EDW. 8.] Provisional Order Confirmation
(Helston and Porthleven Water) Act, 1936.



CHAPTER xciii.

An Act to confirm a Provisional Order of the Minister of Health relating to the Helston and Porthleven Water Company. [31st July 1936.] A.D. 1936.

WHEREAS under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 the Minister of Health has made a provisional order which needs confirmation by Parliament :

33 & 34 Vict.
c. 70.
36 & 37 Vict.
c. 89.

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

1. The order of the Minister of Health which as amended is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Helston and Porthleven Water) Act 1936. Short title.

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SCHEDULE.

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HELSTON AND PORTHLEVEN WATER.

Provisional Order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 empowering the Helston and Porthleven Water Company to raise additional capital to alter the rates and charges leviable by the Company and for other purposes.

THE MINISTER OF HEALTH in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :—

PART I.

PRELIMINARY.

Short title.

1. This order may be cited as the Helston and Porthleven Water Order 1936.

Com-
mencement
of order.

2. This order shall come into operation upon the date of the Act of Parliament confirming it.

Incorpora-
tion of
Acts.

3.—(1) So far as the same relate to the powers conferred by this order the provisions of—

8 & 9 Vict.
c. 16.
51 & 52 Vict.
c. 48.

(a) The Companies Clauses Consolidation Act 1845 (except the provisions with respect to the conversion of borrowed money into capital) as amended by the Companies Clauses Consolidation Act 1888;

26 & 27 Vict.
c. 118.

(b) Part I (relating to the cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts (except the words “and to the same amount as” in section 22 of the said Act of 1863);

10 & 11 Vict.
c. 17.
26 & 27 Vict.
c. 93.

(c) The Waterworks Clauses Acts 1847 and 1863 as amended by any enactment;

are (except where those provisions are inconsistent with or expressly varied by this order) incorporated with and form part of this order.

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(2) The Waterworks Clauses Act 1847 as so incorporated shall in its application to the Undertakers be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from section 44 thereof.

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(3) In the construction of the enactments so incorporated with this order the expression "special Act" shall be read as a reference to this order and the expression "company" shall mean the Undertakers.

4.—(1) In this order unless the context otherwise requires— Interpretation.

"the commencement of this order" means the date upon which this order comes into operation;

"the Act of 1888" means the Helston and Porthleven Water Act 1888; 51 & 52 Vict. c. lviii.

"the Undertakers" means the Helston and Porthleven Water Company;

"the limits of supply" means the limits within which the Undertakers are from time to time authorised to supply water;

"the directors" means the directors of the Undertakers;

"employee" means any workman servant or officer of the Undertakers other than a director;

"the undertaking" means the undertaking of the Undertakers as for the time being authorised;

"the Minister" means the Minister of Health;

"the county council" means the county council of the administrative county of Cornwall.

(2) The several words terms and expressions to which by the Acts incorporated with this order and by the Gas and Water Works Facilities Act 1870 meanings are assigned shall unless the context otherwise requires have in this order the same respective meanings.

PART II.

FINANCIAL.

5. In addition to the capital of the Undertakers authorised by the Act of 1888 the Undertakers for the purposes of the undertaking may raise any further sums not exceeding in the whole five thousand pounds by the issue of new ordinary shares or stock or of preference shares or stock or wholly or partly by any one or more of those modes respectively (in this order referred to as "the additional capital") but the Undertakers shall not issue Additional capital.

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A.D. 1936. any share under the authority of this order of less nominal value than ten pounds and it shall not be lawful for the Undertakers to create and issue under the powers of this section any greater nominal amount of capital than will be sufficient to produce after taking into account premiums and discounts (if any) which may be obtained or allowed on the sale thereof the said sum of five thousand pounds.

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Limit of
borrowing
powers.

6.—(1) In addition to any other sums which they are authorised by the Act of 1888 to borrow the Undertakers may subject to the provisions of this order borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount of the additional capital including premiums and allowing for discounts which at the time of borrowing has been raised under the provisions of the last preceding section and in the case of any such issue in the form of redeemable preference shares or stock has not been redeemed by paying off the shares or stock but no such sum shall be borrowed in respect of any capital so raised until the Undertakers 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 of the additional capital (if any) realised on the sale thereof has been fully paid up.

(2) The Undertakers shall not without the consent of the Minister pay interest at a higher rate than six per centum per annum in respect of any moneys borrowed on mortgage under the authority of this order.

New shares
or stock to
be subject
to same in-
cidents as
other shares
or stock.

7. Except as by this order otherwise provided the additional capital created by the Undertakers under this order and the new shares or stock in that capital and the holders thereof shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if such additional capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital :

Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Limits of
dividend
on additional
capital.

8. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital authorised by this order than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital except so far as a larger dividend may at any time be necessary to make up the deficiency of any previous dividend in respect of the additional capital

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which shall have fallen short of the said seven pounds per centum per annum nor than six pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital.

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9. If in any year or (if the Undertakers declare a dividend half-yearly) in any half-year the net revenues of the Undertakers applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividend of each class.

Dividends
on different
classes of
ordinary
capital.

10.—(1) All ordinary or preference shares or stock issued by the Undertakers after the commencement of this order shall be issued in accordance with the provisions of this section.

New capital
to be sold by
auction or
tender.

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

Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the clerk to the local authority of every county district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Minister of Health not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (c) In the case of a sale by auction no lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds and no bid shall be recognised unless it is in advance of the last preceding bid ;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of shares or stock of the Undertakers may be accepted in preference to the offer of the same

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

(e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 to 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the directors may think fit or to one or more of those classes of persons only :

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

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

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

Priority of
existing
mortgages.

11. The principal moneys secured by all mortgages granted by the Undertakers before the commencement of this order and subsisting at the commencement thereof shall during the continuance of such mortgages and subject to the provisions of the Act or order under which such mortgages were respectively granted have priority over the principal moneys secured by all mortgages granted by virtue of this order.

Priority of
mortgages
over other
debts.

12. All moneys raised or to be raised by the Undertakers on mortgage or by debenture stock under the provisions of the Act of 1888 or this order shall have priority against the

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Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this order :

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Provided that nothing in this section shall affect any claim against the Undertakers or their property in respect of—

- (a) any rent charge granted or to be granted by them in pursuance of the Lands Clauses Acts;
- (b) any rent or sum reserved by or payable under any lease granted or made to or vested in the Undertakers which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock; or
- (c) land taken used or occupied by the Undertakers for the purposes of the undertaking and works of the Undertakers or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

13. The directors may if they think fit in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of subsection (1) of the next succeeding section) and any sums so set apart may from time to time be invested in any securities in which trustees are authorised by law to invest money or in such other manner as shall be authorised by a resolution of the directors and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest. The fund so formed shall form a reserve fund to answer any deficiency which may at any time happen or have happened in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Undertakers and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by this section and so from time to time as often as such reduction shall happen :

Reserve
fund.

Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim or demand within the meaning of this section.

14.—(1) The aggregate amount which may be carried in any year to any reserve fund formed in pursuance of the immediately preceding section of this order and to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act

Limit on
reserve and
contingency
funds.

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

Limitation
on carry-
forward.

15. It shall be lawful for the Undertakers to carry forward at the end of any year to the credit of the profit and loss (net revenue) account any sum not exceeding the total of the following amounts (that is to say) :—

- (a) The amount required by the Undertakers for paying any dividend or interest which the Undertakers are entitled or required to pay but have not paid in respect of that year;
- (b) An amount equal to the total sum which the Undertakers would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year;
- (c) An amount equal to the total sum which the Undertakers will be required to pay during the next following year as interest in respect of that year on any mortgages debentures or debenture stock.

Application
of moneys.

16. All moneys raised under this order or under any other order or any Act relating to the Undertakers including premiums shall be applied only to purposes of the undertaking to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock shall not be considered as part of the capital of the company entitled to dividend :

Provided that in any case where a power to raise money by borrowing or to create a reserve or other fund is made proportionate to the paid-up or nominal capital the premium received from the sale of shares or stock shall for such purpose be reckoned as part of the paid-up or nominal capital.

Undertakers
not bound to
regard trusts.

17. The Undertakers shall not be bound to see to the execution of any trusts whether express implied or constructive to which any shares or stock or debenture stock of the Undertakers may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any shares or stock or debenture stock of the Undertakers as if such shares or stock or debenture stock were shares to which that section applies.

PART III.

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RATES AND CHARGES.

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18.—(1) As from the first usual quarter day after the commencement of this order section 38 (Rates at which water to be supplied for domestic purposes) and section 39 (Rates for waterclosets and baths) of the Act of 1888 shall become and be repealed and in lieu thereof the following provisions of this section shall have effect.

Rates for
supply of
water for
domestic
purposes.

(2) Subject to the provisions of this section the Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Act of 1888 or this order to demand a supply of water for domestic purposes furnish to that owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum (in this order referred to as "the water rate") not exceeding fifteen per centum of the net annual value of the premises so supplied :

Provided that the Undertakers shall not be required to supply any premises with water at a less sum than seventeen shillings and fourpence per annum.

(3) The net annual value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the period for which the rate accrues :

Provided that where the water rate is chargeable on the net annual value of a part only of any hereditaments entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole hereditaments ascertained as aforesaid and in case of dispute the apportionment shall be determined by a court of summary jurisdiction in like manner as disputes are determined under section 68 of the Waterworks Clauses Act 1847.

(4) In addition to the foregoing water rate the Undertakers may charge in respect of every watercloset beyond one in any house a yearly sum not exceeding five shillings and in respect of every fixed bath capable of containing more than seventy-five gallons such sum as the Undertakers may think fit and such additional sums shall be paid at the same dates as and be recoverable in all respects with and as the water rate.

19.—(1) The Undertakers may supply water for other than domestic purposes on such terms and conditions as the Undertakers 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

Supply by
meter.

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same manner as water rates are recoverable by the Undertakers Provided that no person 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.

(2) The price to be charged for a supply of water by meter shall not exceed two shillings and sixpence a thousand gallons Provided that subject to the provisions of this order the Undertakers shall not be required to afford any supply of water by meter for a less sum (exclusive of meter rent) than fifteen shillings per quarter.

(3) Section 42 (Rates for water when supplied by meter) of the Act of 1888 is hereby repealed.

Special terms
for supplies
to caravans
&c.

20.—(1) The Undertakers before supplying water to any caravan shack hut tent or other like structure may require the owner or occupier thereof—

- (a) to agree with the Undertakers to take a supply of water by meter and to pay to the Undertakers 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
- (b) to secure to the reasonable satisfaction of the Undertakers 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.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of the Act of 1888 or this order the Undertakers shall not (unless so authorised by the Minister) supply water to any caravan shack hut tent or other like structure if the local authority for the district in which such caravan shack hut tent or other like structure is situated objects in writing to the supply being given.

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21.—(1) Where a person who takes a supply of water for domestic purposes from the Undertakers 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 Undertakers 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 Undertakers.

(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.

22.—(1) The Undertakers shall not be bound to supply with water otherwise than by measure at the rates prescribed for a supply by measure—

- (a) any building used by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any mental or other hospital (whether public or private) or any nursing home sanatorium school club hotel restaurant public-house or inn; or
- (c) any boarding-house or lodging-house capable of accommodating twelve or more persons including the persons usually resident therein; or
- (d) any public institution which is habitually occupied by at least twenty persons including the persons usually resident therein.

(2) Where a supply of water to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by measure and paid for at the prescribed rates for a supply by measure but nothing in this section shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the net annual value thereof.

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Charges for
supplies for
refrigerating
apparatus
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Supply to
certain
premises.

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(3) The minimum quarterly charge 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 domestic supply furnished to a dwelling-house of the same net annual value.

Charges for
horses and
washing
vehicles.

23.—(1) Where a person who takes a supply of water for domestic purposes from the Undertakers desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Undertakers may if a standpipe or tap be fixed on such premises charge (except where the water so used is taken by measure) such sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding five shillings per annum for each motor car beyond the first. Provided that if a hosepipe or other similar apparatus be used in connection with the said standpipe or tap the Undertakers may charge an additional sum not exceeding fifteen shillings per annum as they may prescribe and (where more motor cars than one are kept) a further additional sum not exceeding five shillings per annum for each motor car beyond the first.

(2) Any sums chargeable under this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the like manner as the said rates.

(3) Where water supplied by the Undertakers 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 standpipe or tap or hosepipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Undertakers may if they think fit require that all water so used by means of any such standpipe or tap or hosepipe or other apparatus shall be taken by measure and paid for at the rates for the time being in force for the supply of water by measure.

Supplies to
swimming
baths and
bathing
pools.

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

Rates
payable by
owners of
small
houses.

25.—(1) Where the net annual value of a house supplied with water does not exceed fifteen 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 Undertakers so determine pay the rate for the supply of

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water as from the usual quarter day next after the expiration of twenty-eight days from the date upon which notice in writing of such determination shall have been given by the Undertakers to the owner but the rate may be recovered by the Undertakers from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or agreement whether in writing or otherwise be deducted by the occupier from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. The Undertakers shall make to the owner of any such house who pays the water rate due in respect of such premises before the expiration of one-half of the period in respect of which the water rate is charged or such later date as may be prescribed by the Undertakers an allowance equal to two and a half per centum of the amount of such water rate.

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(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under 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 order and whether in writing or otherwise.

26. Notwithstanding anything contained in the sections of this order of which the marginal notes are respectively "Supply by meter" and "Supply to certain premises" the Undertakers shall on demand in writing by the county council within the limits of supply afford to the county council such a supply of water for any public purpose as may be reasonably required by the county council at a price not exceeding two shillings per one thousand gallons. Provided the county council shall pay in respect of every supply so demanded a minimum sum not exceeding twenty-five shillings in any quarter of a year.

Supply of water for public purposes within limits of supply.

PART IV.

WATER SUPPLY.

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

Amendment of section 35 of Waterworks Clauses Act 1847.

28.—(1) If the owner or occupier of any premises outside the limits of supply desires to obtain from the Undertakers a supply of water the Undertakers may with the approval of the

Supply of water by Undertakers to premises

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outside
limits of
supply.

Minister and subject to the provisions of this section and to such conditions (if any) as the Minister may impose supply water to those premises.

(2) Before an application is made to the Minister for an approval under this section the Undertakers shall obtain the consent of the county council and of the council of the county district within whose area the premises are situate and of any undertakers authorised by an Act or order to supply water within whose limits of supply the premises are situate.

(3) The charge made by the Undertakers 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 Undertakers for water supplied for a similar purpose within the limits of supply.

(4) Where the Minister has given his approval to a supply of water to any premises by the Undertakers under this section the provisions of the Acts and orders from time to time relating to the Undertakers shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply to those premises and otherwise for the purposes of and in relation to that supply as if the limits of supply extended as far as and so as to include the premises in respect of which a supply approved by the Minister is to be given.

(5) (a) Where the Minister has given his approval to a supply of water to any premises by the Undertakers under this section such approval shall cease to have effect and the powers of the Undertakers under this section shall cease with respect to those premises when the local authority within whose area or the undertakers for the supply of water within whose limits of supply the premises are situate are able and willing to give a supply of water to such premises and give not less than one month's notice thereof to the Undertakers.

(b) When such local authority or undertakers commence to supply water to any premises in pursuance of this subsection they shall pay to the Undertakers the expenditure incurred by the Undertakers in giving a supply to the premises as may be agreed or failing agreement as may be determined by arbitration and the provisions of the Arbitration Acts 1889 and 1934 shall apply to any such arbitration.

52 & 53 Vict.
c. 49.
24 & 25
Geo. 5. c. 14.
As to streets
forming
boundary of
limits of
supply.

29.—(1) Where the limits of supply are bounded by or abut upon any street or part of a street wholly outside those limits the Undertakers may for the purpose of supplying water to the owner or occupier of any premises abutting upon that street or part of a street and being within the limits of supply exercise

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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 the limits of supply subject nevertheless to the observance of the conditions imposed on an exercise of those powers.

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(2) 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 Undertakers 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 limits of supply.

(3) Nothing in this section shall entitle or require the Undertakers to supply water to the owner or occupier of any premises abutting upon any such street and being outside the limits of supply.

(4) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

30. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the officer duly authorised in that behalf by the Undertakers.

Maintenance
of common
pipe.

31.—(1) The Undertakers may make byelaws for the purpose of preventing waste undue consumption misuse or contamination of water supplied by them and may by such byelaws prescribe the size nature materials 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 of water.

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

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

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(3) In addition to the powers hereinbefore conferred by this section the Undertakers may make byelaws as to the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus and prescribing the charge to be made for such testing and stamping.

23 & 24
Geo. 5. c. 51.

(4) 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 those provisions shall for the purposes of this section be construed as if the Undertakers were a local authority within the meaning of those sections and the secretary of the Undertakers were the clerk of the local authority The confirming authority for the purposes of the said section 250 shall be the Minister.

(5) In case of the failure of any person to observe such byelaws as are for the time being in force the Undertakers 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 requirement of such byelaws and the reasonable expense of every such repair replacement or alteration shall be recoverable by the Undertakers from the person in default as the water rates in respect of the premises are recoverable.

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

(7) Nothing in this section or in any byelaw made thereunder shall apply to any water fittings used on any premises (not being or being used as a hotel or dwelling-house) belonging to and forming part of the railway of a railway company so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Undertakers.

(8) Sections 44 to 50 (inclusive) of the Act of 1888 are hereby repealed.

As to fittings
let on hire.

32.—(1) Any meters pipes valves cocks baths soil-pans waterclosets apparatus receptacles and fittings (in this section called "fittings") let for hire under the provisions of section 43 (Sale and hire of meters) or section 61 (Company may if required furnish and repair meters &c.) of the Act of 1888 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose

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possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

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(2) All fittings so let for hire by the Undertakers notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises shall if they bear a plate brand or mark such as is mentioned in subsection (1) of this section at all times continue to be the property of and removable by the Undertakers.

(3) Nothing in this section shall affect the amount of the valuation for rating of any rateable hereditament.

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

Stop-cocks
&c. to be
fitted in
communica-
tion pipes.

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

(3) The Undertakers may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street execute such works on behalf of such person and any expenses reasonably incurred

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Undertakers
to connect
communica-
tion and
service pipes
with mains.

by the Undertakers in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

34. Notwithstanding anything contained in the Act of 1888 or this order the Undertakers shall have the exclusive right of executing any works on any of the water mains of the Undertakers for connecting any communication or service pipe therewith and the Undertakers shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Undertakers execute (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work on any such main and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and the reasonable expenses incurred by the Undertakers in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Separate
communica-
tion pipes
may be
required.

35.—(1) The Undertakers shall not be bound to supply 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 :

Provided that this section shall not apply in the case of a communication pipe which at the commencement of this order is used for the supply of water to more than one house unless and until such communication pipe becomes defective or requires renewal in which event the Undertakers may require that a separate pipe be laid from the main pipe into each house formerly supplied with water by means of that communication pipe.

(2) If the owner of any house supplied with water by the Undertakers fails within the period of one month after the receipt of a notice under subsection (1) of this section to provide a separate pipe from the main pipe into that house the Undertakers may themselves do the work and may recover from that owner the reasonable cost incurred by them summarily as a civil debt.

Opening of
ground by
persons
liable to
maintain
pipes &c.

36.—(1) For the purpose of complying with any obligations under the Waterworks Clauses Act 1847 or under any other Act or any order relating to the Undertakers to maintain or repair any pipe or apparatus used for the supply of water from the works of the Undertakers the person liable to maintain the same 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.

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(2) The Undertakers 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 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 Undertakers shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

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37. If it appears to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and the reasonable expense incurred by the Undertakers in executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable as a civil debt by the Undertakers from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier :

Power to
 Undertakers
 to repair
 communica-
 tion pipes.

Provided that except in case of emergency the Undertakers 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 (in any case where the communication pipe is repairable by the owner of the said house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

38. Section 58 (Register of meter to be evidence of quantity consumed) of the Act of 1888 shall be read and have effect as if the following provisions had been inserted at the end of that section :—

Amendment
 of section 58
 of Act of
 1888.

“ Provided always that if the Undertakers 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.

“ In the event of any meter used by a consumer of water being proved to register erroneously such

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erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as water rates are recoverable by the Undertakers."

Penalty for
closing
valves and
apparatus.

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

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

Penalty for
opening
valves and
apparatus.

40. Any person being the owner or occupier of any house or building or premises 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 Undertakers who shall without the authority of the Undertakers turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Undertakers and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

Extension of
power to
inspect
premises.

41. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Undertakers may at all reasonable times between the hours of seven and nine in the forenoon 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 Undertakers in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering under the said section 57 or under this section or from making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds :

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

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

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 Guarantees &c. by district councils.

(2) Subject to the provisions of subsections (4) and (5) 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.

(3) Nothing in this section shall be deemed to authorise any such council to use any water supplied by the Undertakers under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of supply and within the limits for the supply of water of any other company authority or person supplying water under parliamentary authority without the consent of such other company authority or person.

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

Recovery of rates from persons removing.

44. For the protection of the county council the following provisions shall unless otherwise agreed in writing between the county council and the Undertakers have effect with respect to the execution of any works under or the exercise in or affecting any highway or bridge of any of the powers of the Act of 1888 and this order (that is to say):—

For protection of county council.

(1) In this section—

“highway” means a county road vested in or repairable by the county council ;

“bridge” means a bridge vested in or repairable by the county council ;

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“ apparatus ” includes any main pipe or other work of the Undertakers ;

“ the surveyor ” means the surveyor to the county council :

- (2) All apparatus (other than replacements of existing apparatus in the same position as the apparatus replaced) to be laid in or along any highway or in the soil or pavement of any bridge shall be laid in such position in or at the side thereof as the county council in writing under the hand of the surveyor may reasonably direct :
- (3) The notice required by section 30 of the Waterworks Clauses Act 1847 shall (except in cases of laying down connecting repairing renewing or removing consumers' service pipes as to which three days' notice shall be given and save in cases of leakage bursting or other emergency when as long notice shall be given as is reasonably practicable)—
 - (a) in the case of a bridge be fourteen clear days instead of three clear days ; and
 - (b) in the case of a highway be seven clear days instead of three clear days :
- (4) The plan required by section 31 of the Waterworks Clauses Act 1847 shall in the case of any highway or bridge be accompanied (where applicable) by a section of the proposed works and shall be delivered to the county council not less than in the case of a bridge fourteen clear days and in the case of a highway seven clear days before the Undertakers commence to execute the works and any difference respecting such plan or section or the temporary or other works referred to in the said section 31 shall be determined by arbitration under this section instead of in the manner prescribed by the said section 31 :
- (5) All works of the Undertakers shall so far as reasonably practicable be so executed by the Undertakers as not to stop nor unreasonably impede or interfere with the traffic on any highway or bridge :
- (6) The Undertakers shall not open a greater continuous length of the carriageway of any street than one hundred yards nor shall they leave a less space than fifty yards between any two consecutive openings and they shall not open a greater length than fifty yards at any place where such opening would leave insufficient space for

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the passage of two vehicles abreast and the Undertakers shall not open a greater continuous length of the footway of any street than two hundred and fifty yards :

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- (7) The county council shall not be liable for or in respect of any damage or injury done to any apparatus of the Undertakers laid or executed in or along any highway or in the soil or pavement of any bridge by reason of such apparatus being laid or executed at a depth below the surface of any road or the roadway over any bridge insufficient for their protection from injury arising from the reasonable use by the county council of any steam or other roller not exceeding fifteen tons in weight for the repair of such road or of any traction engine not exceeding the weight aforesaid :
- (8) Nothing in this order shall authorise the Undertakers to interfere with the structural part of any county bridge without the consent in writing of the surveyor which shall not be unreasonably withheld and may be given upon such conditions (other than a money payment) as the surveyor may reasonably determine :
- (9) Any difference which may arise between the county council or the surveyor and the Undertakers under the foregoing provisions of this section and any matter required by the foregoing provisions of this section to be determined by arbitration 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 of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such reference.

PART V.

ADMINISTRATIVE PROVISIONS.

45. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the Undertakers may by resolution of a general meeting at any time determine that the future ordinary meetings of the Undertakers shall be held once only in each year in such month as the directors may from time to time determine and the Undertakers may from time to time in like manner alter or rescind any such resolution.

Meetings of
Undertakers.

46. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Undertakers whether ordinary or extraordinary may (if the directors so

Notices of
meetings.

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determine) be given by prepaid letter sent by ordinary letter post to each holder of shares or stock instead of by public advertisement:

Provided that—

- (a) the letters giving the notice shall be directed according to the registered address or other known address of each holder of shares or stock and posted not later than seven clear days before the date of the meeting;
- (b) in proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and posted as a prepaid letter not later than the time hereby prescribed.

As to
appoint-
ment of
proxies.

47. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any holder of shares or stock duly authorised in writing may appoint a proxy to vote for and on behalf of the holder and for that purpose may execute on behalf of the holder the necessary form of proxy:

Provided that the instrument appointing the attorney or if it has been deposited with the central office of the Supreme Court of Judicature an office copy thereof shall be transmitted to the secretary of the Undertakers at the same time as the instrument appointing the proxy.

Joint
holders.

48. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock of the Undertakers to which voting rights are attached any one of those persons may vote at any meeting at which holders of shares or stock of the same class are entitled to vote either personally or by proxy in respect of such shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member of the Undertakers in whose name any share or stock stands shall for the purposes of this section be deemed joint holders thereof.

Substitution
of card
index for
shareholders'
address
book.

49. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 the Undertakers may substitute for the shareholders' address book provided under that section a card or other index (of a type to be approved by the auditors of the Undertakers) containing the names and addresses of the

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several shareholders of the Undertakers and that section in its application to the Undertakers shall be read and have effect accordingly.

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50. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Undertakers—

Register of shareholders and shareholders' address book.

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Undertakers may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Undertakers may keep in lieu thereof under the powers of this section.

51.—(1) The directors may appoint one of their body to be managing director either for a fixed term or without any limitation as to time and may remove or dismiss him from office and appoint another in his place.

As to appointment of managing director.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by all or any of those modes.

(4) The directors may entrust to and confer upon a managing director such of the powers exercisable by the directors and subject to such conditions as they think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

52.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the Undertakers or by reason of his being interested in any contract with the Undertakers nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract :

Directors holding office under or contracting with Undertakers.

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Provided that—

- (a) in the case of his being or becoming interested in any contract with the Undertakers whether such interest arises before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment; and
- (b) no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Undertakers to give to the directors or any of them any security by way of indemnity.

(2) Section 24 (Contracts made with local board corporation or public body not to disqualify member of same from office of director of Company) of the Act of 1888 is hereby repealed.

Vacation
of office of
director.

53. If any of the directors shall be made bankrupt or shall go to reside abroad for a longer period than six months or shall become lunatic or of unsound mind or shall neglect to attend the meetings of directors for twelve months (unless such neglect to attend be occasioned by illness or other reasonable cause allowed by the directors) then in any of the cases aforesaid the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

Notice of
candidature
of or of
opposition to
re-election of
director.

54.—(1) No person not being a director retiring by rotation and offering himself or being proposed for re-election or not being a candidate for election by the directors to fill a casual vacancy shall be capable of being elected a director of the Undertakers unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the principal office of the Undertakers seven days at least before the day of election and the secretary shall during such seven days and on the day of election cause to be displayed a copy of every such notice so delivered in some conspicuous place in such office.

(2) In the case of a retiring director notice of opposition to his re-election shall be given in like manner.

(3) No person shall be eligible to be elected a director at any general meeting of the Undertakers unless he shall have been the holder of the qualifying amount of shares or stock for at least two months prior to his election.

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55.—(1) If and so long as the ordinary meetings of the Undertakers shall be held once only in each year (in this section referred to as “the annual general meeting”)—

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 Water Order.*

Half-yearly
 dividends.

- (a) the directors may on and after the thirtieth day of June in any year without the sanction or direction of a general meeting declare and pay out of the funds of the Undertakers applicable to dividend a dividend in respect of the half-year ended on the said thirtieth day of June on any class of shares or stock in the capital of the Undertakers at such rate per centum per annum as the directors may think fit :

Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed one-half of the amount of the maximum dividend on the ordinary capital or one-half of the annual dividend assigned to the preference capital in respect of which the interim dividend is declared ;

- (b) section 116 of the Companies Clauses Consolidation Act 1845 shall in its relation to the Undertakers be read and have effect as if the words “preceding year” were substituted therein for the words “preceding half-year.”

(2) When in respect of any such half-year as aforesaid the directors exercise the powers conferred by paragraph (a) of subsection (1) of this section the only dividend (if any) to be declared at the next following annual general meeting on any class of shares or stock in the capital of the Undertakers in relation to which such powers were exercised shall be a dividend in respect of the half-year ending next before the date of such annual general meeting at such rate as the Undertakers may approve not exceeding the rate of dividend requisite to enable the Undertakers to pay in the case of any ordinary shares or stock the balance of the dividend which can lawfully be paid in respect of the year in which such half-year occurs and in the case of any preference shares or stock the balance of the dividend payable in respect of the year in which such half-year occurs at the preferential annual rate assigned thereto and section 120 of the Companies Clauses Consolidation Act 1845 shall in its application to the Undertakers be read and have effect accordingly.

56. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary.

Remunera-
 tion of
 secretary.

57.—(1) It shall be lawful for the Undertakers at any time by resolution passed at a general meeting to decide that the accounts of the Undertakers shall be audited by a single auditor

Auditors.

[Ch. xciii.] *Ministry of Health* [26 GEO. 5. &
Provisional Order Confirmation 1 EDW. 8.]
(*Helston and Porthleven Water*) Act, 1936.

A.D. 1936.

—
*Helston and
Porthleven
Water Order.*

or by a firm of accountants and notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary for such auditor or the members of such firm to hold any share or stock in the capital of the Undertakers.

(2) No person not being a retiring auditor of the Undertakers shall be eligible to be elected at any general meeting as auditor of the Undertakers unless notice be given to the secretary or left at the principal office of the Undertakers seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Undertakers. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election cause to be displayed a copy of every such notice in some conspicuous place in such office.

(3) If any auditor of the Undertakers dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

PART VI.

SUPPLEMENTAL.

Power to
grant
pensions &c.

58.—(1) The Undertakers may grant such gratuities pensions and superannuation allowances or make such other payments as they may think fit to any employee or the personal representative of any employee or (where in any particular case no adequate provision is in their opinion otherwise made) to the widow or family or any dependant of an employee and they may establish and maintain a fund out of which such gratuities pensions allowances and payments may be granted or made.

(2) The Undertakers may enter into and carry into effect agreements with any local authority as defined by the Local Government and Other Officers' Superannuation Act 1922 to which that Act applies or with any insurance company or other association or company for securing to any such employee personal representative widow family or dependant such gratuities pensions allowances or payments as are by this section authorised to be granted or made.

(3) The Undertakers may subscribe or make donations to infirmaries hospitals convalescent homes and other institutions and to the benevolent and sick funds of the employees.

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

[26 GEO. 5. & Ministry of Health [Ch. xciii.]
 1 EDW. 8.] *Provisional Order Confirmation*
(Helston and Porthleven Water) Act, 1936.

59.—(1) The Undertakers may establish and carry into effect and from time to time alter modify or rescind a scheme or schemes for the provision of superannuation allowances for employees and may by any such scheme provide for the making of contributions by the Undertakers and by the employees to the superannuation fund formed under any such scheme and for the investment of moneys for the time being forming part of any such fund and the accumulation of interest or dividends on such investments by way of compound interest :

A.D. 1936.
 —
Helston and Porthleven Water Order.
 Superannuation scheme.

Provided that no such alteration modification or rescission of any such scheme shall place any employee who at the date of such alteration modification or rescission is entitled under such scheme to a superannuation allowance in a worse position than he would have been if such alteration modification or rescission had not been made.

(2) Any scheme establishing a superannuation fund under the powers of this section shall not come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

17 & 18
 Geo. 5. c. 41.

60.—(1) Any notice to be served by the Undertakers shall be sufficiently authenticated by the signature of the secretary or other officer of the Undertakers for the time being authorised in writing by the directors or by the name of the officer being printed or stamped on the notice.

Authentica-
 tion and
 service of
 notices by
 Undertakers.

(2) Any such notice may be served either personally or by a prepaid letter sent by post and addressed to the person to be served by name at his last known or usual place of abode or of business or by delivering the notice to some inmate of the premises supplied with water or if the premises are unoccupied and the place of abode of the person to be served cannot be found after proper inquiry any notice not being a notice to pay any charge may be affixed to some conspicuous part of the premises.

61. Proceedings for the recovery of any demand made under the authority of any Act or order from time to time relating to the undertaking 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.

Recovery of
 demands.

62. Save as otherwise expressly provided by any Act or order from time to time relating to the undertaking or any incorporated enactment all offences against and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or order or any byelaw made in pursuance of a power

Recovery of
 penalties &c.

[Ch. xciii.] *Ministry of Health* [26 GEO. 5. &
Provisional Order Confirmation 1 EDW. 8.]
(Helston and Porthleven Water) Act, 1936.

A.D. 1936. thereby conferred may be prosecuted and recovered in a summary manner :

*Helston and
Porthleven
Water Order.*

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.

Costs of
order.

63. All costs charges and expenses of and incidental to the application for this order and the preparation making and confirmation of this order shall be paid by the Undertakers and may in whole or in part be defrayed out of revenue.

Inquiries
and
expenses.

64. The Minister may direct any inquiries to be held by his inspectors which he may deem necessary for the purposes of his powers under this order and section 290 of the Local Government Act 1933 shall apply as if the Undertakers were a local authority and as if this order were an enactment relating to the functions of a local authority.

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