

3 & 4 GEO. 6. *Ministry of Health* **Ch. xxv.**  
*Provisional Order Confirmation (Littlestone-on-Sea  
and District Water) Act, 1940.*



**CHAPTER xxv.**

An Act to confirm a Provisional Order of the Minister of Health relating to the Littlestone-on-Sea and District Water Company.

[27th June 1940.]

**W**HEREAS 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 (Littlestone-on-Sea and District Water) Act 1940.

Short title.

SCHEDULE.

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LITTLESTONE-ON-SEA AND DISTRICT 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 Littlestone-on-Sea and District Water Company to maintain waterworks to extend their limits of supply to raise additional capital 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 Littlestone-on-Sea and District Water Order 1940.
- Commencement of order. 2. This order shall come into operation on the date of the Act of Parliament confirming it.
- Incorporation of Acts. 3.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes of this order and are not inconsistent with the provisions of the Littlestone-on-Sea and District Water Act 1904 and this order) are hereby incorporated with this order :—
- 4 Edw. 7.  
c. li. (a) The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital) as amended by the Companies Clauses Consolidation Act 1888;
- 8 & 9 Vict.  
c. 16. (b) 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;
- 51 & 52 Vict.  
c. 48.
- 26 & 27 Vict.  
c. 118.



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- (c) The Lands Clauses Acts except the provisions with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking; PART I.  
—cont.
- (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. 10 & 11 Vict.  
c. 17.  
26 & 27 Vict.  
c. 93.

(2) For the purposes of such incorporation the expression “special Act” where used in the said enactments shall be construed to mean this order and the expression “company” shall be construed to mean the Undertakers.

(3) In the application to the Undertakers of Part III of the Companies Clauses Act 1863 section 22 shall be read as if the words “and to the same amount as” were omitted therefrom.

(4) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands shall not apply to any land which is now vested in the Undertakers or is hereafter acquired by them. 8 & 9 Vict.  
c. 18.

4.—(1) In this order the several words terms and expressions to which by the enactments wholly or partially incorporated with this order or by the Gas and Water Works Facilities Act 1870 meanings are assigned shall unless the context otherwise requires have the same respective meanings. Interpre-  
tation.  
33 & 34 Vict.  
c. 70.

(2) In this order unless the context otherwise requires—

“the Undertakers” means the Littlestone-on-Sea and District Water Company;

“the undertaking” means the undertaking of the Undertakers as for the time being authorised;

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

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

“the existing limits” means the limits within which the Undertakers were immediately prior to the commencement of this order authorised to supply water;

“the added limits” means the areas described in subsection (1) of section 16 (Extension of limits of supply) of this order;

“the Minister” means the Minister of Health; and

“the Act of 1904” means the Littlestone-on-Sea and District Water Act 1904.

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PART II.

WORKS.

Confirmation  
of construc-  
tion of  
works.

5.—(1) The construction by the Undertakers of the following works in the borough of Lydd in the county of Kent (namely) :—

Work No. 1 A well and pumping station situate on Denge Beach 630 yards or thereabouts south-east of Boulderwall Farm ;

Work No. 2 A well and pumping station situate on Denge Beach 1,130 yards or thereabouts south-east of Boulderwall Farm ;

is hereby sanctioned and confirmed.

(2) The Undertakers may in upon or under the lands in upon or under which the said works are situate maintain and continue the said works and may from time to time alter improve enlarge extend renew reconstruct or discontinue all or any of the same and may construct and maintain all such shafts adits headings filter beds machinery works buildings and apparatus as may be necessary or convenient in connection with or subsidiary to the said works and may retain hold and use for the purposes of the undertaking all or any of the lands or any interest in any lands already acquired by them for the purposes of or in connection with the said works.

For protec-  
tion of Post-  
master-  
General.  
41 & 42 Vict.  
c. 76.

6. Any electrical works or apparatus constructed or maintained under the provisions of this order shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Power to  
take waters.

7. The Undertakers may subject to the provisions of this order pump collect impound take use divert and appropriate for the purposes of the undertaking all such springs streams or waters as may be taken or intercepted by the works by this order authorised or sanctioned and confirmed or by any other works to be constructed under the powers of this order on lands forming part of Denge Beach.

As to  
exercise of  
powers of  
section 12

8. The Undertakers may in upon or under all or any of the lands for the time being held by them in connection with the undertaking execute for the purposes of or in connection with the undertaking any of the works and exercise any of the powers



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mentioned in or conferred by section 12 of the Waterworks  
Clauses Act 1847 :

PART II.  
—cont.  
of Water-  
works  
Clauses  
Act 1847.

Provided that the Undertakers shall not under the powers  
of this section construct any wells or execute other works for  
taking or intercepting water except on lands forming part of  
Denge Beach :

Provided also that the Undertakers shall not under the  
powers of this section create or permit the creation or continuance  
of any nuisance on any lands for the time being held by them  
in connection with the undertaking.

9. Except as provided by this order the Undertakers shall  
not construct any works for taking or intercepting water  
from any lands acquired by them unless the works are  
authorised by and the lands upon which the same are to be  
constructed are specified in this or some other order or an Act  
of Parliament :

Limiting  
powers of  
Undertakers  
to abstract  
water.

Provided that the deepening or enlargement of any wells or  
boreholes and the extension of any headings or adits which wells  
boreholes headings or adits are for the time being respectively  
authorised as aforesaid shall be deemed to be authorised by the  
order or Act of Parliament authorising such wells boreholes  
headings or adits.

10. Subject to the provisions of this order the works by this  
order authorised to be maintained and continued shall for all  
purposes whatsoever form part of and be comprised in the  
undertaking.

Works to  
form part  
of under-  
taking.

PART III.

LANDS.

11. In addition to any other lands acquired or held by the  
Undertakers the Undertakers may by agreement purchase or  
take leases of and hold for the purposes of the undertaking  
further lands or any easement (not being an easement of water  
in which persons other than the grantors have an interest) in  
over or affecting any such lands but the quantity of lands held  
by the Undertakers in pursuance of this section shall not at any  
time exceed twenty acres :

Acquisition  
of lands by  
agreement.

Provided that the Undertakers shall not create or permit  
any nuisance on any such lands nor erect any buildings thereon  
except such as are required for or are connected with or incident  
to the purposes of the undertaking.

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**PART III.**  
—*cont.*  
Power to  
hold lands  
and exercise  
powers for  
protection  
of waters.

12.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Undertakers are from time to time empowered to take the Undertakers may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which they may have acquired for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that the Undertakers shall not create or permit the creation or continuance of any nuisance on any lands acquired or held under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking.

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

(3) The Undertakers may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Undertakers or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of any waters which the Undertakers are for the time being authorised to take.

(4) The Undertakers shall not exercise the powers conferred by subsection (2) of this section in respect of any street or road vested in the county council of the administrative county of Kent without the consent of that county council but such consent shall not be unreasonably withheld and may be given subject to reasonable terms and conditions (not involving the making of any money payment) and any difference arising between the said county council and the Undertakers under this section shall be referred to and determined by a single arbitrator to be agreed between the parties or failing agreement 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



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and the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

PART III.  
—cont.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release any lands may subject to the provisions of those Acts and of this order grant to the Undertakers any easement or right required for the purposes of this order in over or affecting those lands and the provisions of the said Acts with respect to lands and rentcharges shall so far as applicable apply to such grants and to such easements and rights :

Persons under disability may grant easements &c.

Provided that nothing in this section shall be construed as empowering persons to grant any easement or right of water in which any other person has an interest unless that other person concurs in the grant.

14. The Undertakers on selling any lands held by them for the purposes of the undertaking and not required for those purposes may reserve to themselves any water rights or other easements in over or belonging thereto and may also make any such sale subject to such other reservations conditions restrictions and provisions with respect to the use of water the carrying on of noxious trades or the discharge or deposit of manure sewage or other foul matter and otherwise as they may think fit.

Reservation of water rights &c.

15. The following provisions for the protection of the county council of the administrative county of Kent (hereinafter referred to as "the county council") shall unless otherwise agreed in writing between the county council and the Undertakers apply and have effect (that is to say) :—

For protection of Kent County Council.

- (1) Any provision of any Act in force at the commencement of this order which prohibits or restricts the compulsory acquisition by the county council or any local authority acting on behalf of the county council of lands belonging to or held or used by the Undertakers shall not as respects any lands required by the county council or such local authority for the purpose of constructing widening or improving any street or road apply with respect to any lands acquired or held by the Undertakers under the powers of section 11 (Acquisition of lands by agreement) or section 12 (Power to hold lands and exercise powers for protection of waters) of this order :

Provided that the Undertakers may make representations to the appropriate Minister in respect of any order or application made under any such Act and the appropriate Minister shall consider any such representations before confirming any such order or granting any such application and if it shall appear to the appropriate Minister

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**PART III.**  
—cont.

that the construction widening or improving of any street or road to which the order or application relates would be likely to create or aggravate conditions which are conducive to the pollution or contamination of any of the waters which the Undertakers are from time to time empowered to take the appropriate Minister shall not confirm any such order or grant any such application otherwise than subject to such conditions or restrictions as he may deem necessary for the protection of the purity of such waters :

- (2) Nothing in this order shall authorise the erection of offices or dwellings for persons in the employment of the Undertakers in contravention of any provisions contained in a scheme made under the Town Planning Act 1925 or the Town and Country Planning Act 1932 or any enactment repealed by either of those Acts.

15 & 16  
Geo. 5. c. 16.  
22 & 23  
Geo. 5. c. 48.

**PART IV.**

**SUPPLY.**

Extension  
of limits  
of supply.

16.—(1) The limits within which the Undertakers may supply water shall extend to and include in addition to the existing limits the following areas in the rural district of Romney Marsh in the county of Kent :—

- (a) so much of the parish of Dymchurch as immediately prior to the coming into operation of the Kent Review Order 1934 formed part of the parish of Burmarsh ; and  
(b) so much of the parish of St. Mary in the Marsh as immediately prior to the coming into operation of the Kent Review Order 1934 formed part of the parish of Blackmanstone.

(2) Subject to the provisions of this order the Undertakers within the added limits shall have and may exercise all and the like powers rights and authorities for and in relation to the supply of water and shall be subject to all and the like liabilities and obligations in respect thereof as they have may exercise and are subject to within the existing limits.

(3) The Undertakers may continue maintain and use any water mains pipes and other works belonging to them at the commencement of this order within the added limits as if the same had been laid down or constructed under the powers of this order and the provisions of this order and the Act of 1904 and the Acts incorporated therewith shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this order.



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17. Section 35 (Constant supply and pressure) of the Act of 1904 shall be read and have effect as if the existing water tower constructed by the Undertakers in the borough of Lydd were the service reservoir or water tower referred to in that section.

PART IV.  
—cont.  
As to  
section 35  
of Act of  
1904.

18.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Undertakers may if a standpipe or tap be fixed on such premises charge 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 :

Charges for  
horses and  
washing  
vehicles.

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 same 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 meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Undertakers may if they think fit require that all water so used by means of such hosepipe or other apparatus shall be taken by meter and paid for accordingly.

19.—(1) If the Undertakers are of opinion that by reason of drought or other cause the water supply of the Undertakers should be conserved the Undertakers may prohibit as from such date as they may determine the drawing or user through any hose or moveable pipe of water supplied by them otherwise than for extinguishing fire and such prohibition shall continue until withdrawn.

Power to  
prohibit use  
of hosepipe  
temporarily.

(2) The Undertakers shall before the prohibition comes into force give public notice in a newspaper circulating within the limits of supply of the prohibition and of the date when it will come into force.

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PART IV.  
—cont.

(3) Any person who shall after the date stated in the said notice fail to comply with the prohibition shall be liable to a penalty not exceeding forty shillings for each day on which such failure occurs after conviction therefor.

(4) Where a prohibition is imposed under this section charges made by the Undertakers for the use of a hose or moveable pipe shall be reduced by the proportion of such charges which is attributable to the period during which such prohibition is in force and in the case of charges paid in advance any necessary repayment or adjustment shall be made by the Undertakers.

As to  
quarterly  
dates for  
payment of  
water rate.

20. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Undertakers shall be entitled to demand payment of water rates in advance by equal quarterly payments on the first day of January the first day of April the first day of July and the first day of October in each year.

Rates  
leviable  
half-yearly.

21. Notwithstanding anything in the Waterworks Clauses Act 1847 or in any Act or order from time to time relating to the Undertakers the Undertakers may demand the water rates rents and charges leviable by the Undertakers by half-yearly instalments in advance but no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the half-year in respect of which it has been demanded :

Provided that any person who shall occupy any premises during part only of any half-year in respect of which the rate is so required to be paid shall be liable only for a part of the rate demanded for that half-year proportionate to that part of the half-year and if any such person shall have paid to the Undertakers a greater part of such rate the balance shall be refunded to him by the Undertakers except in so far as he has recovered it from an incoming occupier.

Rates  
payable on  
connected  
premises in  
one occu-  
pation.

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



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23. 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 morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the 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 either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds :

PART IV.  
—cont.  
Extension  
of power  
to inspect  
premises.

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

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

Power to  
remove  
meters and  
fittings.

25. Where the owner or occupier of any house or building or part of a house or building or premises is not for the time being entitled to a supply or the continuance of a supply of water by the Undertakers to or in respect of such house or building or part of a house or building or premises any person who shall without the authority of the Undertakers turn on or cause or permit to be turned on or permit to remain turned on any cock valve or other apparatus attached to any 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 the said section shall extend and apply accordingly.

Penalty for  
opening  
valves &c.

26. Every person who shall wilfully (without the consent of the Undertakers) or negligently close or shut off or interfere with 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

Penalty for  
closing  
valves and  
apparatus.

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**PART IV.**  
—cont.

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 by them sustained :

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

Mainten-  
ance of  
common  
pipe.

27. 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 engineer or secretary for the time being of the Undertakers.

Undertakers  
to connect  
communica-  
tion pipes  
with mains.

28. Notwithstanding anything contained in any Act or order relating to the Undertakers the Undertakers shall have the exclusive right of executing any works on any of the water mains of the Undertakers for connecting any communication pipes 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 on any such main (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 and supply all fittings and materials which shall be necessary to connect the communication pipe of such owner or occupier therewith and any expenses incurred by the Undertakers in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Contracts  
for supplying  
water in  
bulk.

29.—(1) The Undertakers may enter into and carry into effect agreements with any authority company or person for the supply of water beyond the limits of supply to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Provided that such supply shall not be given except with the consent of any authority company or person supplying water under Parliamentary authority within the area to be supplied nor if and so long as such supply would interfere with the supply of water for domestic or other purposes within the limits of supply.



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(2) Nothing in this section shall authorise the Undertakers to lay any mains or other pipes or interfere with any street beyond the limits of supply.

PART IV.  
—cont.

30. The Undertakers may enter into and carry into effect agreements with any authority company body or person supplying water under Parliamentary authority or subject to the consent of the Minister with any other company body or person for the purchase of water in bulk by the Undertakers for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Undertakers for the purposes of the undertaking :

Purchase of  
water in  
bulk.

Provided that nothing in this section contained shall authorise the Undertakers to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

31.—(1) In addition to the powers conferred by section 47 (Byelaws for preventing waste &c. of water) of the Act of 1904 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.

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

(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 of 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 Undertakers were a local authority within the meaning of those sections and the secretary were the clerk of the local authority The confirming authority for the purposes of the said section 250 shall be the Minister.

23 & 24  
Geo. 5. c. 51.

(3) 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.

(4) Nothing in this section or in any byelaws made thereunder shall apply to any fittings or apparatus used on any premises (not being or being used as a hotel or dwelling-house) which belong to and form part of the railway of the Southern Railway Company so long as such fittings or apparatus do not cause waste undue consumption misuse or contamination of water which is supplied by the Undertakers.

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PART V.

FINANCE.

Additional  
capital.

32. In addition to the capital of the Undertakers authorised by the Act of 1904 the Undertakers for the purposes of the undertaking may from time to time raise any further sums not exceeding in the whole twenty thousand pounds by the creation and issue of ordinary shares or stock or preference shares or stock or partly by one and partly by the other of those modes :

Provided that the Undertakers shall not create and issue under the powers of this section any greater nominal amount of capital than shall be sufficient to produce including any premiums and allowing for any discounts which may be obtained or allowed on the issue thereof the said sum of twenty thousand pounds and no shares or stock shall vest in the person accepting the same unless and until the full price of such shares or stock including any premiums obtained upon the issue thereof has been paid in respect thereof.

Sale of new  
capital by  
auction or  
tender.

33.—(1) Subject to the provisions of this order all ordinary and 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.

(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 of the local authority of every district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised 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 not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (c) In the case of a sale by auction no lot offered for sale shall comprise stock of greater nominal value



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than one hundred pounds and no bid (other than a first bid) shall be recognised unless it is in advance of the last preceding bid;

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(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 ordinary or preference shares or stock of the Undertakers may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Undertakers or 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 any class of shares or stock applied for shall exceed the aggregate amount of that class 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 at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the 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.

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—cont.  
Provisions  
as to sale  
of shares or  
stock and  
payment of  
commissions.

34.—(1) The Undertakers may with the approval of the Minister and subject to such conditions as he may impose—

- (a) when ordinary or preference shares or stock of the Undertakers are to be issued (and whether or not the then existing ordinary or preference shares or stock are at a premium) before offering such shares or stock for sale by auction or tender offer the shares or stock to the consumers of water supplied by the Undertakers and persons in the employ of the Undertakers or to either of those classes of persons only at the value thereof at the time of the offer;
- (b) offer for subscription by the public free from the provisions of section 33 (Sale of new capital by auction or tender) of this order any shares or stock to be so issued; and
- (c) on the offer for sale by subscription by the public of any shares or stock to be so issued pay a commission not exceeding three per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such shares or stock or procuring or agreeing to procure subscriptions whether absolute or conditional therefor :

Provided that the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Undertakers relating to the offer for sale or inviting subscriptions for such shares or stock.

(2) For the purposes of paragraph (a) of subsection (1) of this section the value of any shares or stock at the date of the offer thereof to any consumer or employee shall be deemed to be the average price at which according to the Undertakers' books sales of shares or stock of the same class were effected within the period of six months immediately preceding the date on which the value of the shares or stock is required to be determined or if there has been only one sale or no sale of such shares or stock during such period then the price at which the last sale of such shares or stock was effected making due allowance not exceeding five per centum for any probable change in value since such date due to the anticipation or payment of dividend or any other cause.

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



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35. The Undertakers shall not in any year pay out of their profits any greater dividend on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital or 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 :

PART V.  
 —cont.  
 Limits of dividends on additional capital.

Provided that nothing in this section shall prevent the payment of a greater dividend on so much of the additional capital as may be issued as ordinary capital in order to make up any deficiency in a previous dividend paid thereon in respect of any of the five last preceding years at a rate less than the maximum rate applicable to that dividend.

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

New shares or stock to be subject to same incidents as other shares or stock.

Provided that except as may be otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any such preference shares or stock.

37. All moneys raised under this order 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 shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of moneys.

38. The Undertakers may apply to the purposes of this order to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Application of existing capital.

39.—(1) The Undertakers may subject to the provisions of this order but without the certificate of a justice borrow on mortgage of the undertaking or by the issue of debenture stock in respect of the authorised and paid-up capital of the Undertakers issued at the thirty-first day of December one thousand nine hundred and thirty-nine any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or

Power to borrow.

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raised by the creation and issue of debenture stock before the commencement of this order and for the time being outstanding) a sum of eighteen thousand pounds.

(2) The Undertakers may also subject to the provisions of this order borrow on mortgage of the undertaking or by the issue of debenture stock in respect of any capital issued by them after the thirty-first day of December one thousand nine hundred and thirty-nine any sum or sums not exceeding in the whole one-half of the amount (including premiums and allowing for discounts) which at the time of borrowing or the issue of debenture stock have been raised by the issue of such capital:

Provided that no sum shall be borrowed in respect of any such capital until the Undertakers shall 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 amounts payable in respect of such capital at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

Limit of  
interest on  
mortgages  
and debenture  
stock.

40. The Undertakers shall not without the consent of the Minister pay interest at a higher rate than five pounds per centum per annum in respect of any money borrowed on mortgage or any debenture stock issued after the commencement of this order.

Debenture  
stock.

41.—(1) The Undertakers may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as incorporated with this order but notwithstanding anything therein contained the interest on all debenture stock and the interest on all mortgages at any time created and issued or granted by the Undertakers under the Act of 1904 or this order or any subsequent Act or order shall subject to the provisions of any subsequent Act or order rank *pari passu* (without respect to the dates of the securities or of the Act of Parliament or order or resolutions by which the stock and the mortgages were authorised) and subject as mentioned in section 43 (Priority of mortgages and debenture stock over other claims) of this order have priority over all principal moneys secured by such debenture stock and mortgages.

(2) Notice of the effect of this enactment shall be endorsed on all certificates of debenture stock issued after the commencement of this order.

Redeemable  
preference  
shares or  
stock and  
debenture  
stock.

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

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



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“ Issue ” includes re-issue ;

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

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

PART V.  
—cont.

(2) Subject to the provisions of this section the directors may from time to time issue so as to be redeemable any stock created by the Undertakers after the commencement of this order and any redeemed stock :

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

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

Provided that—

(a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Undertakers are for the time being authorised to create except during any reasonable interval between the creation or in the case of redeemed stock the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued ; and

(b) during such interval as aforesaid the amount raised by means of any preference stock so created or issued shall not be deemed for the purposes of any enactment regulating the borrowing powers of the Undertakers to have been raised.

(4) The redemption of any preference stock issued so as to be redeemable shall not affect the validity of any mortgage or debenture stock if the grant or issue thereof by the Undertakers was lawful in the circumstances existing at the date of the grant or issue.

(5) Redeemable stock shall bear such rate of dividend or interest not exceeding such maximum rate if any as may

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be prescribed in respect of the particular class of stock and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine :

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

(6) The Undertakers shall not redeem out of revenue any redeemable stock but any discount allowed on the issue or any premium payable on the redemption thereof may be written off out of revenue.

(7) The provisions of section 33 (Sale of new capital by auction or tender) of this order shall not apply to any stock created and issued in substitution for any redeemable stock issued under the powers of this section.

Priority of mortgages and debenture stock over other claims.

43. All money to be raised by the Undertakers on mortgage or by the issue of debenture stock under the provisions of this order shall have priority against the 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 :

Provided always that this priority shall not affect any claim against the Undertakers or their property in respect of any rent-charge 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 the Undertakers 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 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.

Appointment of receiver.

44.—(1) The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver :

Provided that on any application for the appointment of a receiver in respect of arrears of principal the appointment of a receiver shall not be authorised unless the aggregate amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds.



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(2) Section 13 (For appointment of a receiver) of the Act of 1904 is hereby repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending.

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45.—(1) The directors may if they think fit in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of subsections (2) and (3) of this section) and any sums so set apart may from time to time be invested in investments in which trustees are authorised by law to invest or in such other manner as shall be authorised by a resolution of the directors and the dividends and interest arising from such investments may also be invested in the same or like investments 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 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 the said subsection (2) 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.

(2) Whenever and so long as the amount standing to the credit of the reserve fund amounts to a sum equal to ten per centum of the capital expenditure thereupon incurred by the Undertakers for the purpose of the undertaking no contribution from the profits of the undertaking shall be made to the reserve fund and the interest and dividends on the reserve fund shall not be invested but shall be treated as income of the undertaking.

(3) The amount which may be carried by the Undertakers in any year to the reserve fund shall not exceed a sum equal to one per centum of the capital expenditure theretofore incurred by the Undertakers for the purposes of the undertaking.

46.—(1) So long as this section continues in force it shall not be lawful without the consent of the Treasury to exercise the powers of borrowing or raising capital conferred by this order.

Saving for  
emergency  
powers of  
Treasury.

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54 & 55 Vict.  
c. 39.

(2) Section one hundred and thirteen of the Stamp Act 1891 (which in the case of any increase in the amount of nominal share capital of a company being authorised by any Act charges stamp duty on a statement of the amount of such increase to be delivered within one month from the passing of the Act) shall as amended by any subsequent enactment have effect as respects any share capital authorised to be raised by this order as if this order had come into operation on the date when such consent as aforesaid is given as respects that capital or on the date when this section expires whichever first occurs.

2 & 3 Geo. 6.  
c. 62.

(3) This section shall continue in force so long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939.

**PART VI.**

**ADMINISTRATIVE.**

Meetings  
of Under-  
takers.

47. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the Undertakers may by a 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.

Notices of  
meetings.

48. 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 determine be given by a prepaid letter sent by 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.

Quorum for  
general  
meeting.

49. For the purposes of constituting a meeting of the Undertakers whether ordinary or extraordinary the prescribed quorum referred to in section 72 of the Companies Clauses Consolidation Act 1845 shall be five shareholders.



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50. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any holder of shares or stock of the Undertakers 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 :

PART VI.  
—cont.

As to  
appoint-  
ment of  
proxies.

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

51. Notwithstanding anything 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 the 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 shares or stock stand shall for the purposes of this section be deemed joint holders thereof.

Joint  
holders.

52.—(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”)—

Interim  
dividends  
and annual  
accounts.

(a) the directors may on or 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 but no such rate shall as respects any ordinary shares or stock be greater than the maximum annual rate of dividend on such shares or stock or as respects any preference shares or stock be greater than the preferential annual rate of dividend assigned to such shares or stock ;

(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.”



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(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 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.

Closing of  
transfer  
books.

53.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the payment of any dividend and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and the directors shall in any such case fix a day for the closing of any register which they are authorised to close under the provisions of this section.

(2) Seven days' notice of the closing of any such register shall be given by advertisement in a newspaper published and circulating in the county of Kent and any transfer of shares or stock or mortgages or debenture stock made during the time when the register of transfers of such shares or stock or security is so closed shall as between the Undertakers and the persons claiming under the same but not otherwise be considered as made subsequently to the payment of any such dividend or interest as the case may be.

Auditors.

54.—(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 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



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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 keep a copy of the notice fixed in some conspicuous place in the said office.

PART VI.  
—cont.

(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.

55. The Undertakers shall not be bound to see to the execution of any trust 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.

Undertakers  
not bound to  
regard  
trusts.

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

Register  
of share-  
holders and  
share-  
holders'  
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.

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

As to  
appoint-  
ment 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 a 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

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PART VI. salary or commission or participation in profits or by any or  
—cont. all of those modes.

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

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

58.—(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 those 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 the principal 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.

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

59. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Undertakers by reason of his holding any office or place of trust or profit under the Undertakers or by reason of his or any partners of his being or becoming interested in any contract with the Undertakers either on his own behalf or as a member of any other company or any corporation local authority or partnership nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or of his or any partners of his becoming interested in any such contract:

Provided that—

(a) in the case of his or any partners 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 or of the interests of any



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such partners of his shall be disclosed by him at the meeting of the directors at which the contract is determined on if his or their interest then exists or in any other case at the first meeting of the directors after the acquisition of his or their interest or after his appointment as the case may be;

**PART VI.**  
—cont.

- (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.

For the purposes of proviso (a) to this section a general notice given to the directors by one of them to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may after the date of the notice be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

60. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1888 they may from time to time determine the remuneration of the secretary.

Directors may determine remuneration of secretary.

**PART VII.**

**MISCELLANEOUS.**

61. If it is shown to the satisfaction of a justice of the peace on sworn information in writing that a person is quitting or about to quit 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 premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the Undertakers and to detain them until the complaint is determined upon the return of the summons.

Recovery of rates from persons removing.

62. Proceedings for the recovery of any demand made under the authority of any Act or order from time to time relating to the Undertakers whether provision is or is not made for the recovery in any specified court or manner may be taken

Recovery of demands.

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**PART VII.**  
—*cont.*

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 penalties &c.**

63. Save as otherwise expressly provided by any Act or order from time to time relating to the Undertakers all offences against any such Act or order and all penalties forfeitures costs and expenses imposed by or recoverable under any such Act or order or any byelaw made in pursuance of a power thereby conferred may be prosecuted and recovered in a summary manner :

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

**Penalties not cumulative.**

64. Penalties imposed under any Act or order for the time being relating to the Undertakers for one and the same offence shall not be cumulative.

**Justices not disqualified.**

65. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or order from time to time relating to the Undertakers by reason of his being liable to the payment of any rate or charge.

**Several sums in one summons.**

66. Where the payment of more than one sum by any person is due under any Act or order from time to time relating to the Undertakers any summons or warrant issued for any of the purposes of those Acts or orders in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

**Repeal.**

67. The enactment mentioned in column 1 of the schedule to this order is hereby repealed to the extent shown in column 2 of that schedule.

**Inquiries and expenses.**

68. 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.

**Costs of order.**

69. 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.



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and District Water) Act, 1940.*

**SCHEDULE.**

**PROVISIONS REPEALED.**

1.	2.	3.
Act.	Extent of repeal.	Subject-matter of repealed provisions.
The Littlestone-on-Sea and District Water Act 1904.	Section 12 - -	Power to borrow.
	Section 23 - -	Contracts not to disqualify for office of director.
	Section 30 (from the words "and may also" to the end of the section).	Purchase of lands by agreement.
	Section 39 - -	Charges for supply to workhouses &c. to be agreed or settled by arbitration.
	Section 48 - -	Power to agree with owners for securing purity of water.
	Section 53 - -	Contracts for supplying water for public purposes.
	Section 54 - -	Liability to water rent not to disqualify justices &c.
	Section 55 - -	Contents of summons &c.
Section 56 - -	Penalties not cumulative.	

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