



CHAPTER xxxiii.

An Act to empower the Wey Valley Water Company to construct further works and to raise additional capital to extend their limits of supply to confer additional powers upon the Company and for other purposes. [10th July 1940.]

WHEREAS by the Wey Valley Frimley and Farnham Water Act 1898 the Wey Valley Water Company (hereinafter referred to as "the Company") were incorporated and were authorised to supply water within the limits therein described :

61 & 62
Vict.
c. cclx.

And whereas further powers in relation to their undertaking were conferred upon the Company by subsequent Acts and Orders and in pursuance thereof the Company are now supplying water within certain parishes and places in the counties of Surrey Southampton and West Sussex :

And whereas it is expedient that the supplies of water at present available to the Company should be increased and that the Company should be empowered to make and maintain the new works in this Act mentioned :

And whereas it is expedient that the limits for the supply of water by the Company should be extended so as to include further areas in the counties of Southampton and Surrey as by this Act provided :

And whereas the County of Southampton Review Order 1932 the Surrey Review Order 1933 and the

19 & 20
Geo. 5.
c. 17.

West Sussex Review Order 1933 made by the Minister of Health in pursuance of section 46 of the Local Government Act 1929 altered various local government areas in the counties of Southampton Surrey and West Sussex respectively and it is expedient that the limits for the supply of water by the Company should be re-defined :

And whereas a statement of the authorised share and loan capital of the Company is set forth in the First Schedule to this Act and it is expedient that the Company should be empowered to raise further moneys for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that such further provisions should be made with respect to the Company and their undertaking as are in this Act contained :

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

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

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Wey Valley Water Act 1940 and the Wey Valley Water Acts and Orders 1898 to 1934 and this Act may be cited together and are in this Act referred to as the Wey Valley Water Acts and Orders 1898 to 1940.

Short and
collective
titles.

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

Part I.—Preliminary.

Part II.—Works.

Part III.—Lands.

Part IV.—Supply of water.

Part V.—Transfer of communication pipes.

Part VI.—Finance.

Part VII.—Administrative and miscellaneous.

PART I
—cont.
Division of
Act into
Parts.

3.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

Incorporation of
general
Acts.

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

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

8 & 9 Vict.
c. 16.

26 & 27
Vict.

(c) The Waterworks Clauses Act 1847 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;

c. 118.
10 & 11
Vict.
c. 17.

26 & 27
Vict.
c. 93.

(d) The Waterworks Clauses Act 1863.

(2) 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

8 & 9 Vict.
c. 18.

PART I
—cont.

vested in the Company or is hereafter acquired by them.

Interpreta-
tion.

4. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And—

“The Company” means the Wey Valley Water Company;

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

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

“The directors” means the directors of the Company.

PART II.

WORKS.

Power to
construct
waterworks.

5.—(1) Subject to the provisions of this Act the Company may in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works in the rural district of Alton in the county of Southampton (that is to say):—

Work No. 1 A well and pumping station in the parish of Worldham in the enclosure numbered in the parish of Hartley Mauditt 101 on the 1/2500 Ordnance map (Hampshire sheet XXXVI.13 edition 1910);

Work No. 2 A line or lines of pipes in the said parish of Worldham commencing at the well and pumping station (Work No. 1) hereinbefore described and terminating in the service reservoir (Work No. 3) hereinafter described;

Work No. 3 A service reservoir in the said parish of Worldham in the enclosure numbered in the said parish of Hartley Mauditt 85 on the 1/2500 Ordnance map (Hampshire sheet XXXV.16 edition 1910).

(2) Any well constructed under the powers of this section shall be lined by the Company for a depth of three hundred and eighty-two feet.

PART II
—cont.

6. In addition to the works by this Act authorised the Company may upon any lands delineated on the deposited plans make and maintain all such other wells shafts boreholes headings adits buildings machinery electric lines works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them or the undertaking or necessary or expedient for augmenting or improving the supply of water but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Subsidiary
works.

7. In the construction of the works by this Act authorised the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of the road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent:

Limits of
deviation.

Provided that—

(a) no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and six feet in addition thereto; and

(b) no part of the lines of pipes by this Act authorised shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections—

except for the purpose of crossing over a river stream canal dyke watercourse or railway; or

except for the purpose of crossing over any lands in cases where the consent of the owners of and of all other persons

PART II
—cont.

interested in such lands is obtained to the line or lines of pipes or any part or parts thereof being raised above the surface of the ground.

Works to form part of undertaking.

8. Subject to the provisions of this Act the works by this Act authorised shall for all purposes form part of and be comprised in the undertaking.

Period for completion of works.

9. If the works authorised by section 5 (Power to construct waterworks) of this Act are not completed on or before the first day of October one thousand nine hundred and forty-five or five years after the termination of the present war whichever is the later then as from that date the powers by this Act granted for the making of the said works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed:

Provided that the Company may extend enlarge alter reconstruct renew or remove any of such works and in the case of the line of pipes lay down additional lines of pipes as and when occasion may require.

Power to take waters.

10. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all underground streams springs and waters which will or may be taken or intercepted by means of any of the works by this Act authorised.

Discharge of water into streams.

11.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying examining using or operating any works forming part of the undertaking or any plant for the treatment of water the Company may cause the water in any such work or plant to be discharged into any available stream brook canal or feeder :

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish and shall be discharged in such manner as not to cause the flooding of or injury to any highway.

(2) In the exercise of the powers conferred by this section the Company shall do as little damage as

may be and shall make compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of such compensation to be settled in case of difference by arbitration.

(3) The powers of this section shall not be exercised so as to damage or affect injuriously the railways or works of any railway company.

12.—(1) The Company may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prohibit or regulate the doing of any act specified in the byelaws within the area or areas in which the byelaws are in force.

Byelaws
for
preventing
pollution
of water.

(2) Byelaws made under this section shall be in force within the area or areas defined in the byelaws.

(3) The Company may require either the owner or the occupier of any premises within the area or areas in which the byelaws are in force to construct and keep in good repair such drains sewers cesspools and other works as they deem necessary for preventing pollution of their water and if he fails to comply with any such requirement he shall be liable on summary conviction to the same penalties as if he had committed an act prohibited by the byelaws :

Provided that an owner or occupier who considers that a requirement made on him under this subsection is unreasonable may within twenty-eight days after service on him of the requirement appeal to the Minister of Health and the Minister if he thinks fit may refer the appeal to be determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers or may himself modify or disallow the requirement.

(4) The owner of or other person interested in any lands who may be affected by any byelaws made under this section shall be entitled to be furnished with a copy thereof and to object to the confirmation thereof.

(5) All byelaws made under this section shall be subject to the provisions contained in subsections (2)

PART II
—cont.
23 & 24
Geo. 5.
c. 51.

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

(6) In addition to the requirements of section 250 of the Local Government Act 1933 the Company shall—

- (a) publish in the London Gazette at least one month before the application is made notice of their intention to apply for the confirmation of byelaws under this section; and
- (b) exhibit in some conspicuous place in or near to the area in which the byelaws are intended to be in force copies of the notice referred to in that section.

(7) A copy of any such byelaws shall be sent to the clerk of the county council of any administrative county and to the clerk of the council of any urban or rural district in which the byelaws are intended to be in force one month at least before application is made for their confirmation and before confirming the byelaws the Minister shall have regard to any representations thereon which may be made within the said month by such local authorities.

(8) The Company shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by subsection (3) of this section or by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local authority of the district in which such lands are situate otherwise than upon payment of compensation and such first-mentioned compensation shall be settled in default

of agreement by arbitration in accordance with the provisions of the Arbitration Acts 1889 to 1934 and for the purposes of this subsection the expression "legal rights" shall include a user of land in respect of which the local authority might have taken proceedings under the Public Health Act 1936 or under their byelaws but have decided not to do so having regard to the character or situation of the land.

PART II
—cont.

26 Geo. 5.
& 1 Edw. 8.
c. 49.

(9) (a) The Company shall pay compensation to any authority in whom any highway is vested in respect of any additional expense to which such authority may be put in the execution of any work or the doing of any act or thing in compliance with or arising out of or in connection with the requirements of any byelaws made under the provisions of this section and which such authority would not have incurred in the discharge of their functions as such authority.

(b) Any question as to the amount of compensation to be paid under this subsection shall be referred to an arbitrator to be appointed in default of agreement by the Minister of Health.

(10) In this section the expression "month" means a period of twenty-eight days exclusive of any day in the month of August.

PART III.

LANDS.

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

Power to
acquire
lands.

14.—(1) The Company may in lieu of acquiring any lands for the purposes of the works by this Act authorised acquire such easements and rights in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply

Acquisition
of
easements
com-
pulsorily.

PART III
—cont.

to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

(2) As regards any lands in respect of which the Company have acquired easements or rights only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but unless otherwise agreed the owners or occupiers for the time being shall subject to such easements and rights have the same rights of using and cultivating such lands at all times as if this Act had not been passed.

Period for
compulsory
purchase
of lands.

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

Correction
of errors in
deposited
plans and
book of
reference.

16. If there is any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appears to the justices that the omission or mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and if the lands are situate in an administrative county such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall be deposited with the clerk of the council of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate or a copy and duplicate respectively shall be kept by such clerks respectively with

the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with the certificate.

PART III
—cont.

17. All private rights of way over any lands which the Company are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Company be extinguished:

Extinction
of private
rights of
way.

Provided that the Company shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

18. In addition to any other lands which the Company are now authorised to take or purchase they may by agreement take purchase or lease and hold for the general purposes of the undertaking any lands not exceeding in the whole twenty acres but the Company shall not upon any such lands create or permit any nuisance and no buildings shall be erected on such lands except such as may be used for offices and dwellings for persons in their employ or such buildings and works as may be incidental to or connected with the purposes of the undertaking.

Purchase
of lands by
agreement.

19. Nothing in section 18 (Purchase of lands by agreement) of this Act shall authorise the development of any land or the erection of any buildings or the execution of any works in contravention of any requirements or restrictions imposed by or under any enactment as to the erection placing or making of buildings erections or excavations or the construction formation or laying out of means of access to or from any road or as to the submission of plans and specifications or the giving of notices to any authority or in contravention of any provision 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.

Saving for
planning
schemes
&c.

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

PART IV.

SUPPLY OF WATER.

Extension
of limits
of supply.

20.—(1) The limits within which the Company may supply water shall extend to and include in addition to the existing limits the areas described in the Second Schedule to this Act.

(2) The Company shall have and may exercise within the said areas 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) As on and from the date of the passing of this Act the parish of Four Marks in the rural district of Alton in the county of Southampton shall cease to form part of the limits for the supply of water by the Herriard and Lasham Water Company Limited authorised by the Herriard and District Water Order 1934.

(4) As on and from the date of the passing of this Act the part of the parish of Peper Harow described in the Second Schedule to this Act shall cease to form part of the limits for the supply of water by the mayor aldermen and burgesses of the borough of Godalming authorised by the Godalming Corporation Water Act 1899.

62 & 63
Vict.
c. ccix.

(5) As on and from the date of the passing of this Act the part of the urban district of Farnham described in the Second Schedule to this Act shall cease to form part of the limits for the supply of water by the urban district council of Farnham described in the Farnham Water Order 1886.

Provisions
as to
transferred
part of
Farnham.

21. Notwithstanding anything in this Act contained—

(a) the service reservoir (having a capacity of sixty thousand gallons or thereabouts) in land adjoining the entrance to Farnham Castle in the area referred to in subsection (5) of section 20 (Extension of limits of supply) of this Act; and

(b) the water main connecting the said service reservoir with the area in which the urban district council of Farnham will continue to supply water after the passing of this Act;

PART IV
—cont.

shall remain the property of the said council and the said council shall have the same powers of maintaining repairing renewing and enlarging the said reservoir and water main as if the portion of their district which is referred to in subsection (5) of section 20 (Extension of limits of supply) of this Act continued to form part of the limits for the supply of water by the said council described in the Farnham Water Order 1886.

22. So much of the urban district of Alton as immediately prior to the coming into operation of the County of Southampton Review Order 1932 formed parts of the parishes of Chawton Holybourne and Neatham in the rural district of Alton (in this section referred to as "the transferred area") shall cease to form part of the limits of supply but notwithstanding anything in this section the Company shall have and may exercise within the transferred area the like powers with respect to the breaking up of streets for the purpose of laying maintaining removing and renewing pipes required for supplying water outside the transferred area as they would have if the transferred area were included within the limits of supply.

Reduction
of limits
of supply.

23.—(1) As on and from the date of the passing of this Act the limits of supply shall be and include the area described in the Third Schedule to this Act.

Re-defini-
tion of
limits of
supply.

(2) The said limits are more particularly delineated and marked with a red verge line on a map signed in triplicate by the Right Honourable the Lord Stanmore the chairman of the committee of the House of Lords to which the Bill for this Act was referred one copy whereof is deposited in the Parliament Office of the House of Lords one copy in the Committee and Private Bill Office of the House of Commons and one at the principal office of the Company. In the case of any difference between the said limits as described in the Third Schedule to this Act and as delineated on the said map the said map shall prevail.

PART IV
—cont.
Power to lay connecting mains.

24. For the purpose of conveying water from one part of the limits of supply to another part thereof the Company may exercise as regards any street outside the limits of supply the powers conferred upon them by the Waterworks Clauses Act 1847 with reference to the breaking up of streets for the purpose of laying pipes as if such street were within the limits of supply but nothing in this section shall authorise the Company to supply water beyond such limits.

Limit of pressure.

25. The water supplied by the Company need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken.

Power to make agreed charges for domestic supply.

26.—(1) The Company in lieu of charging a water rate may agree with any person requiring a supply of water for domestic purposes to furnish the supply whether by measure or otherwise on such terms and conditions as may be agreed.

(2) Charges payable under this section shall be recoverable in the manner in which water rates are recoverable.

As to charges for baths and water-closets.

27. Notwithstanding anything in section 54 (Rates at which water is to be supplied for domestic purposes) of the Wey Valley Frimley and Farnham Water Act 1898 as modified by the Wey Valley Water Company (Modification of Charges) Order 1923 and by section 29 (Amendment of section 54 of Act of 1898) of the Wey Valley Water Order 1934 the Company shall not be entitled to make any additional charge for a supply of water to any watercloset nor to any bath in any premises except where such bath has a capacity (measured to the centre line of the overflow pipe or in such other manner as the Minister of Health may by regulations prescribe) in excess of fifty gallons.

Supplies to swimming baths and bathing pools.

28. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Company may require that all water required for such swimming bath or bathing pool shall be taken by measure and paid for accordingly.

29.—(1) Where a supply of water to any premises is or is to be used for domestic and other purposes the Company may give such supply by measure on such terms and conditions (including minimum charge) as may be agreed with the occupier of such premises.

(2) Charges payable under this section shall be recoverable in the manner in which water rates are recoverable.

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

- (a) any premises used as a house whereof a part is used by the same occupier for any business trade or manufacturing purpose for which water is required;
- (b) any public institution hospital mental institution nursing home sanatorium school club hostel assembly hall place of public entertainment hotel restaurant or licensed premises within the meaning of that expression as used in the Licensing (Consolidation) Act 1910;
- (c) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein; or
- (d) any premises which are used solely for business trade or manufacturing purposes and in which a supply of water for domestic purposes only is required.

(2) Where a supply of water to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate.

(3) The minimum annual charge for a supply of water by measure to any of the premises in subsection (1) of this section mentioned shall be a sum equal to 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.

PART IV
—cont.

As to supplies for domestic and other purposes.

Power to require supply to certain premises and for certain purposes to be taken by measure.

10 Edw. 7.
& 1 Geo. 5.
c. 24.

PART IV
—cont.
Charges for
refrigerat-
ing
apparatus
&c.

31. If a person who takes a supply of water for domestic purposes from the Company otherwise than by measure desires to use any of the water so supplied—

- (a) for operating a water-cooled refrigerating apparatus;
- (b) for operating any apparatus depending while in use upon a supply of continuously running water not being an apparatus used solely for heating the water; or
- (c) for cleaning regenerating or supplying motive power to any apparatus used for softening water;

the Company may require that all water so used shall be taken by measure and paid for accordingly or may charge for water so used on such other terms as may be agreed between such person and the Company :

Provided that nothing in this section shall apply to apparatus used 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 domestic purposes.

Rates
leviable
half-
yearly.

32. Notwithstanding anything in the Waterworks Clauses Act 1847 the rates leviable by the Company shall if the Company so determine be paid half-yearly one quarter in arrear and one quarter in advance.

As to
quarterly
dates for
payment of
water rate.

33. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Company 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.

Discount
for prompt
payment of
water rates.

34. The Company may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per centum :

Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers :

Provided also that if and so long as the Company allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for water rates.

PART IV
—cont.

35.—(1) Where under section 37 of the Rating and Valuation Act 1925 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount due in respect of any water rate payable to the Company have effect retrospectively as from the date as from which under the said section it has effect for the purpose of calculating the amount due in respect of any general rate levied pursuant to section 2 of the said Act of 1925.

Adjustment
of water
rate where
net annual
value is
altered.
15 & 16
Geo. 5.
c. 90.

(2) If it is found that by reason of the foregoing provisions too much or too little has been paid in respect of any water rate the difference shall be repaid or allowed or (as the case may be) shall be paid and may be recovered as if it were arrears of the water rate.

36.—(1) If the Company are of opinion that by reason of drought or other cause the water supply of the Company should be conserved the Company 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
tempor-
arily.

(2) The Company shall before the prohibition comes into force give public notice in two or more newspapers circulating within the limits of supply of the prohibition and of the date when it will come into force.

(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 five pounds and to a further penalty not exceeding forty shillings for each day on which such failure occurs after conviction therefor.

(4) The Company shall not make any charge for the use of a hose or moveable pipe in respect of any period during which the drawing or user of water by means thereof is prohibited as aforesaid if such prohibition is complied with in relation to such hose or

PART IV
—cont.

moveable pipe and where any consumer has paid to the Company the charge for the use of any such hose or moveable pipe during the year or part of a year which includes the said period and complies with the said prohibition in relation to such hose or moveable pipe the Company shall repay to the consumer the proportion of such charge which is attributable to that period.

Entry on
premises
for
authorised
cutting off.

37. Where in any case the Company are authorised to cut off the pipe supplying water to any premises or to turn off water from any premises any officer workman or duly authorised agent of the Company may after giving not less than twenty-four hours' notice in writing to the occupier of the premises or if the premises are unoccupied to the owner thereof at his last known place of abode or address enter the premises between the hours of nine in the forenoon and one hour after sunset or at any other time with the authority in writing of a justice for the purpose of cutting off any pipe by which the water is supplied to the premises. If any person hinder any such officer workman or agent from entering any premises in pursuance of this section he shall for every such offence be liable to a penalty not exceeding five pounds.

Notice to be
given to local
authority of
water supply
to inhabited
house being
cut off.

38. Where the Company cut off the supply of water to an inhabited house they shall within twenty-four hours give notice that they have done so to the local authority of the district in which the house is situate and if they fail to do so shall be liable on summary conviction to a fine not exceeding ten pounds.

Recovery
of rates
from
persons
removing.

39. If a justice is satisfied on complaint by any collector of the Company duly authorised that any person is quitting or about to quit any premises to which the Company supply water and has failed to pay on demand any water rate or charge 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 person named therein to seize forthwith and detain the goods and chattels of the defaulter until the complaint is determined upon the return of the summons.

40.—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws—

- (a) prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination; and
- (b) provide for the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings or apparatus and prescribe the charge to be made for such testing and stamping.

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

(3) 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 breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary were the clerk of the local authority The confirming authority for the purposes of the said section 250 shall be the Minister of Health.

(4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time

PART IV
—cont.
Byelaws
for pre-
venting
waste of
water.

PART IV
—cont.

being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(5) The Company shall on or before the date upon which notice of any such byelaws is first given in any local newspaper in pursuance of subsection (3) of section 250 of the Local Government Act 1933 send a copy of the byelaws to the county council of every administrative county and to the local authority for every district in which the byelaws are intended to be in force.

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

(7) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any pipes or fittings used on any premises which form part of the railways 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 Company:

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or other houses or used in offices not forming part of a railway station.

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

PART V.

TRANSFER OF COMMUNICATION PIPES.

41. This Part of this Act shall come into force on and not until the first day of January one thousand nine hundred and forty-one. Commence-
ment of
Part V.

42. In this Part of this Act unless the subject or context otherwise requires— Definitions
for
Part V.

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

“Street” means—

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

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

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

“Service main” means a service main of the Company and in relation to a service pipe means the service main with which that service pipe is connected;

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

“Communication pipe” means—

(a) in relation to a service pipe on which a stopcock is fitted and (whether fitted before or after the appointed day) placed in accordance with the provisions of section 53 (Position of stopcocks) of this Act so much of the service pipe as is situate between the service main and the stopcock or if the stopcock is placed in a street in accordance with the proviso to subsection (1) of that section so much of the service pipe as is situate between the service main and the boundary of the street in which the service main is laid; and

PART V
—cont.

(b) in relation to any other service pipe so much of the service pipe as is situate between the service main and the boundary of the street in which the service main is laid;

and includes—

(i) the ferrule at the junction of the service pipe with the service main; and

(ii) where the communication pipe terminates at a stopcock or there is a stopcock fitted on the communication pipe the stopcock stopcock pit the box containing the stopcock and any cover to such box;

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

Existing
communi-
cation
pipes
transferred
to
Company.

43.—(1) On the appointed day so much of every service pipe as constitutes a communication pipe not then the property of the Company shall by virtue of this Part of this Act become transferred to the Company without payment therefor and as from the appointed day all communication pipes so transferred to the Company shall belong to the Company and the rights and obligations of the Company with reference to the maintenance repair renewal and removal of pipes laid by them shall extend and apply to all such communication pipes as if they had been laid by the Company under the provisions of this Part of this Act.

(2) If at any time after the appointed day a stopcock is fitted on a service pipe which existed on the appointed day but on which there was no stopcock on the appointed day the stopcock so fitted (including the stopcock pit and the box containing the stopcock and any cover to such box) and so much (if any) of the service pipe as lies between the stopcock and that part of the service pipe which at the time when the stopcock is so fitted belongs to the Company shall as from the date of the fitting of the stopcock become transferred to the Company by virtue of this Part of this Act without payment therefor and shall for all purposes of this Part of this Act (including the maintenance repair renewal and removal thereof) become and be part of the communication pipe.

44.—(1) On and after the appointed day the Company shall notwithstanding anything in any Act relating to them have the exclusive right of—

- (a) providing and laying any communication pipe which is to be connected with any service main; and
- (b) executing any works for connecting such communication pipe with the service main.

(2) Where any consumer being the owner or occupier of any dwelling-house or part of a dwelling-house within the limits of supply shall have—

- (a) required the Company to provide a supply of water to such premises for domestic purposes; and
- (b) laid the supply pipe (except any part thereof which is to be laid in a highway); and
- (c) paid or tendered the portion of the water rate in respect of such premises which shall be payable in advance;

the Company shall provide and lay with all reasonable dispatch the communication pipe requisite for furnishing such supply and any part of the supply pipe which is to be laid in a highway and any other necessary and proper apparatus including a stopcock with a suitable box and cover and shall connect the communication pipe with the service main.

If the Company refuse or neglect to provide and lay any communication pipe or any part of a supply pipe or to connect the communication pipe with the service main pursuant to the provisions of this subsection they shall be liable to forfeit to the consumer a sum of five pounds and a further sum of forty shillings for every day during which such refusal or neglect shall continue and such penalties shall be recoverable in a summary manner.

(3) The Company may make such reasonable charges as they shall think fit for providing laying and connecting any communication pipe and for providing and laying any part of a supply pipe or other apparatus which under the preceding subsection they are required

PART V
—cont.
New communication pipes to be laid by Company.

PART V
—cont.

to provide and lay and the amount of such charges shall be paid to the Company by the consumer.

(4) Where any person not being a consumer to whom subsection (2) of this section applies desires a supply of water from the Company for any purpose and the Company agree to furnish such supply the Company shall on such terms and conditions as may be agreed with such person provide and lay the communication pipe requisite for furnishing such supply and any part of the supply pipe which is to be laid in a highway and any other necessary and proper apparatus including a stopcock with a suitable box and cover and shall connect the communication pipe with the service main:

Provided that the Company may make such reasonable charges as they shall think fit for providing laying and connecting such communication pipe and for providing and laying any part of a supply pipe or other apparatus which they are required under this subsection to provide and lay and the amount of such charges shall be paid to the Company by the person desiring the supply.

(5) All communication pipes and other apparatus provided and laid by the Company pursuant to the provisions of this section shall belong to the Company and the rights and obligations of the Company with reference to the maintenance repair renewal and removal of pipes laid by them shall extend and apply to all such communication pipes and apparatus.

(6) Sections 44 to 47 of the Waterworks Clauses Act 1847 so far as they relate to any pipe which constitutes or forms part of a communication pipe shall cease to apply within the limits of supply.

(7) In this section the term "consumer" means in relation to any supply of water which the Company are required to furnish the person entitled to require and requiring the supply.

As to
mainten-
ance of
supply
pipes under
streets.

45.—(1) The Company shall carry out any necessary works of maintenance repair renewal and removal of so much of any supply pipe as is laid in a highway and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the

owner of the premises supplied by the pipe but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the premises.

PART V
—cont.

(2) If the Company fail to carry out any such necessary work within twenty-one days after the service upon them of complaint of a defect from an owner or occupier of premises affected they shall be liable to forfeit to the consumer a sum of five pounds and a further sum of forty shillings for every day on which the default shall continue after the expiration of the said twenty-one days.

46.—(1) The Company shall not be bound to supply with water more than one house or building by means of the same service pipe and they may if they think fit require that a separate service pipe be laid into each house or building supplied or intended to be supplied by them with water and that such service pipe shall be laid from a service main of the Company or from such point between the service main and the house or building as the Company may determine.

Separate
service
pipes may
be
required.

(2) Where two or more houses or buildings are at the passing of this Act supplied by means of the same service pipe the Company shall not require a separate service pipe to be laid into each such house or building unless and until the service pipe in use at the passing of this Act becomes defective or requires renewal:

Provided that if any of the houses or buildings so supplied by means of the same service pipe is structurally altered so as to be divided into two or more parts occupied as separate tenements or if the water rate in respect of any such house or building remains unpaid for a period of six months after the date when it became due the Company may thereupon require a separate service pipe to be laid into that house or building.

(3) Where two or more houses or buildings belong at the passing of this Act to one owner and the owner agrees with the Company in writing to pay the water rate in respect of each such house or building then so long as the owner duly pays the water rate in respect of each such house or building the Company shall not require a separate service pipe to be laid into each such house or building.

PART V
—cont.

(4) If pursuant to this section the Company require a separate service pipe to be laid they shall provide and lay with all reasonable dispatch so much of such separate service pipe as constitutes a communication pipe or a supply pipe to be laid in a highway and may make such reasonable charges for so doing as they shall think fit and the amount of such charges shall be paid to the Company by the owner of the house or building to which the service pipe is required to be laid.

If the Company fail to comply with the provisions of this subsection they shall be liable to forfeit to the consumer a sum of five pounds and a further sum of forty shillings for every day during which such failure shall continue and such penalties shall be recoverable in a summary manner.

(5) If the owner of any house or building which is supplied with water by the Company and to which the Company shall have required a separate service pipe to be laid pursuant to this section shall for a period of three months after the receipt of notice from the Company requiring him so to do fail to provide and lay so much of the separate service pipe as constitutes a supply pipe (except any part thereof which is to be laid in a highway) the Company may themselves do the work necessary in that behalf and may make such reasonable charges for so doing as they shall think fit and the amount of such charges shall be paid to the Company by such owner.

Mainten-
ance of
communica-
tion pipes.

47. Notwithstanding anything in any other Act—

- (a) any person other than the Company who immediately before the appointed day was responsible for the maintenance repair and renewal of or entitled to remove any service pipe shall on the appointed day cease to be responsible for the maintenance repair or renewal of or to be entitled to remove so much of such pipe as constitutes a communication pipe transferred to the Company by virtue of this Part of this Act; and
- (b) after the appointed day no person other than the Company shall be responsible for the maintenance repair renewal or removal of

so much of any service pipe as constitutes a communication pipe transferred to the Company as aforesaid or laid by the Company pursuant to this Part of this Act.

PART V
—cont.

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

Power to
Company
to break
up streets
&c.

(2) The Company shall also be entitled for the purpose of laying maintaining inspecting repairing opening closing renewing or removing any stopcock or any part of a communication pipe which they are by this Part of this Act empowered or required to lay maintain repair renew or remove and which is or will be situate on or in the premises supplied or intended to be supplied by means of such communication pipe to enter on such premises and break up the ground and soil thereof and the owner and occupier of the premises shall afford to the Company without payment all reasonable facilities for that purpose but the Company shall forthwith after the completion of any such work replace and make good to the reasonable satisfaction of the said owner and occupier the ground and soil so broken up :

Provided that where any person has covered over or otherwise obstructed the access to any stopcock or has caused or permitted any stopcock to be covered over or the access thereto to be obstructed the expense of uncovering the stopcock or removing the obstruction shall be paid to the Company by that person and may be recovered by them as water rates are recoverable.

49. No person other than the Company shall be entitled to open or break up any street within the limits of supply for laying any communication pipe or any apparatus fitted thereon or any supply pipe or for maintaining repairing renewing or removing any communication pipe transferred by this Part of this Act to or laid by the Company or any apparatus fitted on any such communication pipe :

Restriction
on powers
of other
persons to
break up
streets.

PART V

—cont.

38 & 39 Vict.
c. 55.
38 & 34 Vict.
c. 78.As to
laying
and main-
tenance of
supply
pipes.

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

50.—(1) The powers of laying pipes conferred by sections 48 to 52 of the Waterworks Clauses Act 1847 and the provisions of those sections with reference to such pipes shall within the limits of supply apply to the supply pipe (except any part thereof which is to be laid in a highway) for any supply of water which the Company shall after the appointed day be required or agree to furnish and shall not apply to a communication pipe as defined in this Part of this Act or to a supply pipe to be laid in a highway.

(2) For the purpose of complying with any obligation under this Act or the Waterworks Clauses Act 1847 or the Waterworks Clauses Act 1863 to maintain repair renew or remove any supply pipe within the limits of supply or any apparatus fitted thereon the person for the time being liable to repair the same shall have the like power to open the ground (other than a highway) in which the supply pipe is for the time being laid as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of such pipes as are referred to in those sections.

(3) Except as in this Part of this Act otherwise expressly provided nothing in this Part of this Act shall alter or affect any right or obligation of any person—

- (a) to provide lay maintain repair renew or remove any supply pipe; or
- (b) to open the ground (other than a highway) for any such purpose;

which would have existed if this Part of this Act had not been enacted.

(4) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair renew or remove any supply pipe and for that purpose to open or break up any street within the limits of supply and being a street in which no service main is for the time being laid execute such works on behalf

of such owner or occupier and the Company may make such charges for so doing as represent the actual cost incurred by them in the execution of such works and the amount of such charges shall be paid to the Company by the owner or occupier with whom the agreement is made.

PART V
—cont.

51.—(1) Notwithstanding anything in any Act relating to the Company the Company shall have the exclusive right of executing any works on any communication pipe for connecting therewith any supply pipe laid after the appointed day and on the request of the person supplied or intended to be supplied with water by means of such communication pipe the Company shall (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) execute on any such communication pipe any work which shall be necessary to connect therewith the supply pipe of that person.

Company
to connect
supply
pipes with
communi-
cation
pipes.

(2) The Company may make such charges for executing any work under this section as represent the actual cost incurred by them in the execution of such work and the amount of such charges shall be paid to the Company by the person supplied or intended to be supplied with water as aforesaid.

52. All charges which shall be payable to the Company under the following sections of this Part of this Act:—

Recovery of
costs and
charges.

Section 44 (New communication pipes to be laid by Company);

Section 46 (Separate service pipes may be required);

Section 50 (As to laying and maintenance of supply pipes);

Section 51 (Company to connect supply pipes with communication pipes);

shall be payable on demand and recoverable summarily as a civil debt from the person from whom such charges are due.

PART V
—cont.
Position of
stopcocks.

53.—(1) Any stopcock fitted on a service pipe at any time after the appointed day shall be placed as follows:—

- (i) if the premises supplied or intended to be supplied by means of such service pipe adjoin the street in which the service main is laid the stopcock shall be placed in those premises and as near as reasonably practicable to the boundary of that street; and
- (ii) if the said premises do not adjoin the street in which the service main is laid the stopcock shall be placed between those premises and that street and as near as reasonably practicable to the boundary of that street:

Provided that if the outer wall of any house or building constituting or forming part of the said premises forms the boundary of the street in which the service main is laid the stopcock shall be placed in that street and as near as reasonably practicable to such outer wall.

(2) The box containing any stopcock fitted on a service pipe at any time after the appointed day shall not be larger than is reasonably necessary.

As to
Company's
obligation
to supply
water.

54. Nothing in this Part of this Act shall impose on the Company any obligation to furnish a supply of water to which they were not subject immediately before the appointed day.

Repeal and
amendment
of pro-
visions
relating to
communi-
cation
pipes.

55.—(1) On the appointed day the following enactments shall become and be repealed:—

Wey Valley Water Order 1913—

Section 23 (Undertakers not bound to supply several houses by one pipe);

Section 28 (As to communication pipes).

Wey Valley Water Act 1928—

Section 19 (Power to Company to lay communication pipes);

Section 20 (Company to connect communication pipes with mains);

Section 21 (As to provision of separate pipe).

18 & 19
Geo. 5.
c. xl.

Wey Valley Water Order 1934—

Section 33 (Opening of ground by person liable to maintain pipes &c.).

PART V
—cont.

(2) On and after the appointed day section 24 (Maintenance of common pipe) and section 29 (Power to undertakers to repair communication pipes) of the Wey Valley Water Order 1913 shall have effect as if the expression "common pipe" in the former section and the expression "communication pipe" in the latter section meant a supply pipe as defined in this Part of this Act.

56. Nothing in this Part of this Act shall affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1926.

For protection of Postmaster-General.

PART VI.

FINANCE.

57. The Company may from time to time raise additional capital not exceeding in the whole one hundred and twenty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds:

Additional capital.

Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the sum of one hundred and twenty thousand pounds.

58. Except as is by this Act otherwise provided the capital in new shares or stock created by the Company under this Act 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 now existing capital of the Company of the same class or description and the new shares or stock were shares or

Incidents of new shares or stock.

PART VI
—cont.

stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends
on
additional
capital.

59. The Company shall not in any one year make out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Restrictions
as to votes in
respect of
preference
shares or
stock.

60. 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.

Power to
borrow.

61.—(1) The Company may without the certificate of a justice borrow on mortgage of the undertaking in respect of their ordinary and preference shares issued before the passing of this Act any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock by the Company before the passing of this Act and outstanding at the date or respective dates on which the Company exercise the powers of this section) one hundred and thirteen thousand two hundred and thirty-eight pounds.

(2) The Company may also borrow on mortgage of the undertaking in respect of any ordinary and preference shares or stock issued by them after the passing of this Act any sum or sums not exceeding in the whole fifty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such ordinary and preference shares or stock but no sum shall be borrowed in respect of such shares or stock until the Company have proved to a justice 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 shares or stock together with the premiums (if any) realised or after allowing for discounts (if any) given on the issue thereof has been fully paid up.

PART VI
—cont.

62.—(1) The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained—

Debenture
stock.

32 & 33
Vict.
c. 48.

(a) all debenture stock (other than redeemable debenture stock) created and issued by the Company under this or any former or subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* without respect to the dates of the securities or the Acts of Parliament or resolutions by which the stock was authorised;

(b) the interest on all debenture stock whether redeemable or otherwise and whether existing at or created and issued after the passing of this Act under this or any subsequent Act and the interest on all mortgages shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and the mortgages were authorised) and subject as mentioned in section 63 (Priority of mortgages over other debts) of this Act 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.

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

Priority of
mortgages
over other
debts.

PART VI
—cont.

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

Priority of
existing
mortgages.

64. The principal moneys secured by all mortgages granted by the Company before the passing of this Act and subsisting at the passing 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 all mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Appoint-
ment of
receiver.

65. Section 44 (Appointment of receiver) of the Wey Valley Water Act 1928 shall extend to mortgages of the Company in respect of mortgages granted under this Act.

Company
may incur
temporary
loans.

66.—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise money (a) on temporary loans by means of overdrafts from bankers or otherwise or (b) by the issue of notes or bonds of a currency of not less than five years and of not more than ten years.

(2) Nothing in this section shall affect any powers for the time being of the Company to borrow on mortgage of the undertaking or to raise money by the issue of debenture stock.

(3) The total amount of moneys borrowed by the Company under the provisions of this section and outstanding at any time shall not exceed thirty-five thousand pounds.

67. The Company shall not without the consent of the Minister of Health pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed by them on mortgage or raised by them by the creation and issue of debenture stock under the powers of this Act.

PART VI
—cont.
Limit of
interest on
moneys
borrowed.

68.—(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 Act.

Saving for
emergency
powers of
Treasury.

(2) Section 113 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 Act as if this Act had been passed 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.

54 & 55
Vict.
c. 39.

(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.

2 & 3
Geo. 6.
c. 62.

PART VII.

ADMINISTRATIVE AND MISCELLANEOUS.

69.—(1) Notwithstanding anything in section 83 of the Waterworks Clauses Act 1847 relating to an account in abstract of receipt and expenditure it shall be sufficient compliance with the requirements of that section as modified by section 101 of the Local Government Act 1933 for the Company within seven days after the holding of the ordinary general meeting of the Company to send to the clerk of each county council a copy of the yearly accounts as submitted to the shareholders of the Company.

As to
annual
accounts.

(2) The Company shall at the same time send a copy of such yearly accounts to the clerk of the council.

PART VII
—cont.

of each urban and rural district within the limits of supply.

Register of
transfers

70. Notwithstanding anything in the Companies Clauses Acts 1845 to 1889 it shall not be obligatory on the Company to keep registers of transfers of ordinary shares or stock preference shares or stock debenture stock and mortgages respectively so long as the Company in lieu of those registers shall keep a file of all transfers and evidences of transmission of any ordinary shares or stock preference shares or stock debenture stock or mortgages of the Company which are sent to them for registration in accordance with the provisions of those Acts.

Closing of
transfer
books.

71.—(1) The directors may close the register of transfers of ordinary shares or stock and preference shares or stock of any class or any file of such transfers kept by the Company in lieu of any such register in pursuance of section 70 (Register of transfers) of this Act for a period not exceeding fourteen days previous to the payment of any dividend on any such shares or stock and may close the register of transfers of debenture stock or mortgages of the Company of any class or any file of such transfers kept by the Company in lieu of any such register in pursuance of the said section 70 for a period not exceeding fourteen days previous to the payment of any interest on any such debenture stock or mortgages and the directors may in any such case fix a day for the closing of any register or file which they are authorised to close under the provisions of this section. Seven days' notice of the closing of any such register or file shall be given by advertisement in some newspaper published and circulating within the limits of supply.

(2) Any transfer of any ordinary shares or stock preference shares or stock or debenture stock or mortgages lodged for registration with the Company while the register or file of transfers relating to shares or stock or mortgages of the same class is so closed shall as between the Company and the persons claiming under the transfer but not otherwise be considered as made subsequently to the payment of any such dividend or interest.

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

PART VII
—cont.
Indemnity
before
issue of
substituted
certificates
&c.

73. At any meeting of the Company a majority of votes shall only be required to be proved if a poll be demanded at the meeting and if a poll be not demanded at the meeting then a declaration by the chairman that the resolution has been carried and an entry to that effect in the book of proceedings of the Company shall be sufficient and conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

Proof of
majority of
votes only
required
when poll
demanded.

74. If any director shall be made bankrupt or shall become of unsound mind or shall neglect to attend the meetings of directors for a period of twelve months (unless such neglect be occasioned by illness or other reasonable cause allowed by the directors) the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

Vacation
of office of
director.

75. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors holding office shall be less than the minimum number prescribed by section 34 (Number of directors) of the Wey Valley Frimley and Farnham Water Act 1898 the directors shall not except for the purpose of filling vacancies and allotting shares or stock to any proposed director or directors act so long as the number is below such minimum.

Continuing
directors.

PART VII
—cont.

Exercise
of minor
powers
by one
director.

76. Section 95 of the Companies Clauses Consolidation Act 1845 shall be deemed to authorise the directors to appoint any one of their body as a committee for the purposes of passing transfers and sealing certificates of any shares or other securities of the Company and of executing any other minor powers exercisable by the directors.

Remunera-
tion of
directors
for special
services.

77. If any director shall devote to the business of the Company either his whole time and attention or more of his time and attention than in the opinion of the directors would usually be so devoted by a person holding such office or shall undertake or perform any duties or services other than those which in the opinion of the directors would usually be undertaken or performed by a person holding such office or shall be called upon to perform and shall perform extra services for any of the purposes of the Company then and in any of such cases the directors may remunerate the director so doing either by a fixed sum annual or otherwise or in such other manner as shall be determined by the directors and such remuneration may at the discretion of the directors be either in addition to or in substitution for all or any part of any other remuneration to which such director may be entitled :

Provided that the amount of such remuneration shall be disclosed in the next annual report of the directors or in the next annual accounts of the Company.

Signing of
minutes
&c.

78. Section 98 of the Companies Clauses Consolidation Act 1845 relating to proceedings shall in its application to the Company have effect as if the words "or of the next succeeding meeting" were inserted therein after the words "shall be signed by the chairman of such meeting."

Addresses
of share-
holders &c.
abroad.

79. Any registered holder of shares stock debenture stock or mortgages of the Company of any class whose address is not in Great Britain shall from time to time name an address in Great Britain which shall for the purposes of the Company be deemed to be the address of the holder and shall be entered in the shareholders' address book or any card or other index which the Company may keep in lieu thereof under the

authority of section 22 (Substitution of card index for shareholders' address book) of the Wey Valley Water Order 1934 or any register of debenture stock or mortgages kept by the Company pursuant to section 28 of the Companies Clauses Act 1863 and section 45 of the Companies Clauses Consolidation Act 1845 respectively and it shall not be obligatory on the Company to send any notice to any such holder otherwise than to an address so named.

PART VII
—cont.

80. The following provisions for the protection of His Majesty's Principal Secretary of State for the War Department (in this section referred to as "the Secretary of State") shall apply and have effect with respect to the exercise by the Company of the powers conferred by section 5 (Power to construct waterworks) and section 6 (Subsidiary works) of this Act (that is to say):—

For pro-
tection of
War
Depart-
ment.

- (1) Any interfering radio disturbance emanating from any plant installed in or around the well and pumping station (Work No. 1) by this Act authorised or from any other works or machinery electric lines or apparatus made or maintained under the said sections on any part of the lands delineated on the deposited plans shall not exceed a value of one-tenth of one microvolt per metre (that is twenty decibels below one microvolt per metre) in any part of the radio frequency spectrum at any point on the wireless station erected or to be erected by the Secretary of State at Hartley Wood:
- (2) No overhead conductors carrying electric power supply to the said pumping station or otherwise shall be laid closer to the nearest part of the site of the said wireless station than the distance from the nearest part of such site to such pumping station. The Company shall submit to the Secretary of State plans of the layout of such conductors together with a full description and specifying in particular the distance from the boundary of such wireless station to such conductors and shall not erect any such conductors until such plans have been approved by the Secretary of State:

PART VII
—cont.

- (3) The installation by the Company of any works machinery electric lines or other apparatus at the said pumping station shall be such that it does not cause any damage to or interference with any War Department cables of the co-axial or other type which may be buried on the site of the said wireless station.

For pro-
tection of
Southamp-
ton
County
Council.

81. For the protection of the county council of the administrative county of Southampton (in this section referred to as "the Southampton Council") the following provisions shall unless otherwise agreed in writing between the Southampton Council and the Company apply and have effect:—

The provisions of section 44 (For protection of the Surrey and Southampton County Councils) of the Wey Valley Frimley and Farnham Water Act 1898 so far as those provisions relate to the Southampton Council shall extend and apply to the exercise by the Company under or by virtue of this Act—

- (a) in the making maintenance repair or renewal of the line or lines of pipes (Work No. 2) by this Act authorised or otherwise in connection with the said line or lines of pipes;
- (b) within the areas described in the Second Schedule to this Act;
- (c) for the purposes of section 24 (Power to lay connecting mains) of this Act; and
- (d) for the purposes of Part V (Transfer of communication pipes) of this Act;

of powers affecting county roads in the said administrative county and bridges carrying such roads as if such roads and bridges were respectively referred to in the said section 44 instead of main roads and county or main road bridges of the county of Southampton.

For pro-
tection of
Surrey
County
Council.

82. For the protection of the county council of the administrative county of Surrey the provisions of section 44 (For protection of Surrey and Southampton County Councils) of the Wey Valley Frimley and

Farnham Water Act 1898 so far as those provisions relate to the said county council or the said administrative county shall extend and apply to the exercise by the Company under or by virtue of this Act of any powers affecting county roads in the said administrative county and bridges vested in or repairable by the said county council as if that section had been expressly re-enacted in this Act with the substitution of references to those county roads and those bridges for references to main roads and county or main road bridges respectively in the said administrative county.

PART VII
—cont.

83. For the protection of the conservators of the river Thames (in this section referred to as "the conservators") the following provisions shall notwithstanding anything in the Wey Valley Water Acts and Orders 1898 to 1940 have effect unless otherwise agreed in writing between the Company and the conservators (that is to say):—

For protection of
conservators of
river
Thames.

(1) No water obtained by the Company under the provisions of the said Acts and Orders shall be sold or supplied by the Company in bulk or otherwise outside or for consumption or use outside the area included within the limits shown on the "deposited map" as such map is defined by section 119 of the Thames Conservancy Act 1932 except within the limits of supply as existing immediately after the passing of this Act:

22 & 23
Geo. 5.
c. xxxvii.

(2) The Company shall not under the powers conferred by the said Acts and Orders take either directly or indirectly any water from the river Thames or the rivers Wey or Loddon or other tributary of the Thames or from any defined surface channel discharging into the said rivers or tributary:

(3) (a) Nothing in this Act shall authorise the Company (except with the consent of the conservators which shall not be unreasonably withheld) to construct or lay down any work which either directly or indirectly interferes with or will interfere with that part of the channel of the river Thames above Teddington Lock and the watercourses which are respectively to be treated as and deemed to be the

PART VII
—cont.

20 & 21
Geo. 5.
c. 44.

For pro-
tection of
Southern
Railway
Company.

As to trunk
roads.
1 Edw. 8.
& 1 Geo. 6.
c. 5.

Repeals.

main river and parts thereof and are shown by a distinctive colour on the map of the Thames Catchment Area prepared and for the time being approved by the Minister of Agriculture and Fisheries under and pursuant to section 5 of the Land Drainage Act 1930;

(b) Any question as to whether such consent as aforesaid is unreasonably withheld shall be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

84. For the protection of the Southern Railway Company the provisions of section 13 (For protection of Southern Railway Company) of the Wey Valley Water Act 1928 shall apply and have effect with respect to the exercise by the Company of the powers of this Act within the areas described in the Second Schedule to this Act.

85. This Act shall be deemed to be an enactment within the meaning of subsection (4) of section 3 of the Trunk Roads Act 1936 and the provisions of that subsection shall apply accordingly.

86. The following enactments are hereby repealed:—

Wey Valley Frimley and Farnham Water Act 1898—

Section 53 (Constant pressure);

Section 62 (Regulations for preventing waste of water);

Section 63 (Where regulations confirmed Company bound to supply water under constant pressure).

Wey Valley Water Order 1913—

Section 15 (Supply to houses partly used for trade &c.).

Wey Valley Water Act 1928—

Section 10 (For protection of conservators of river Thames);

3 & 4 GEO. 6.

*Wey Valley Water
Act, 1940.*

Ch. xxxiii.

- Section 15 (Pressure);
Section 16 (Supplies to institutions &c.);
Section 47 (Closing of transfer books).

PART VII
—cont.

Wey Valley Water Order 1934—

- Section 27 (Charges for supplies for refrigerating apparatus &c.);
Section 32 (Extension of powers for preventing waste &c. of water).

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

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Ch. xxxiii.

Wey Valley Water Act, 1940.

3 & 4 GEO. 6.

STATEMENT OF CAPITAL.

Authority.	Description.	Maximum dividend.	Amount paid up.	Premiums.	Unissued.	Authorised.	
		Per cent.	£	£ s. d.	£ s. d.	£	
Act of 1898 -	Original ordinary shares	10	30,000	-	-	30,000	
Order of 1905 -	Additional ordinary shares	7	23,360	6,640 0 0	-	30,000	
Order of 1913 -	"	7	35,600	4,400 0 0	-	40,000	
Order of 1918 -	"	7	2,930	70 0 0	-	3,000	
Act of 1928 -	"	7	44,010	5,986 12 9	3 7 3	50,000	
Order of 1934 -	"	7	45,000	28,479 14 2	6,520 5 10	80,000	
			180,900	45,576 6 11	6,523 13 1	233,000	
			LOAN CAPITAL.				
Act of 1898 -	Rentcharge -	5	400	-	-	15,000	
Order of 1905 -	Debenture stock	3½	14,600	-	-	15,000	
Order of 1913 -	"	5	15,000	-	-	20,000	
Order of 1918 -	"	5	20,000	-	-	1,500	
Act of 1928 -	"	5	1,500	1,496 10 0	3 10 0	25,000	
Order of 1934 -	"	5	23,500	8,123 19 5	9,876 0 7	40,000	
			22,000				
			97,000	9,620 9 5	9,879 10 7	116,500	

THE SECOND SCHEDULE.**EXTENDED LIMITS.****County of Southampton—****Rural district of Alton—****Parishes of East Tisted.**

Four Marks (except so much thereof as immediately prior to the coming into operation of the County of Southampton Review Order 1932 formed parts of the parishes of Chawton and Farrington).

Newton Valence.

Ropley.

West Tisted.

So much of the parish of Whitehill as immediately prior to the coming into operation of the Parish of Whitehill Order 1929 formed part of the parish of Greatham.

So much of the parish of Worldham as immediately prior to the coming into operation of the County of Southampton Review Order 1932 formed part of the urban district of Alton.

Rural district of Petersfield—

Parish of Greatham (except so much thereof as lies on the south side of an imaginary straight line drawn due east and west through the northernmost corner of the enclosure numbered in the said parish 265 on the 1/2500 Ordnance map (Hampshire sheet XLIV.13 edition 1910)).

County of Surrey—

So much of that part of the urban district of Farnham comprising the limits for the supply of water by the Farnham Urban District Council as lies to the north of an imaginary line commencing at the western end of the northern boundary of the enclosure numbered in the said urban district 2117 on the 1/2500 Ordnance map (Surrey sheet XXX.5 edition 1934) thence drawn along the northern boundary of the said enclosure thence along the northern boundaries of the enclosures numbered in the said urban district 2311 2312 and 2314 on the

2ND SCH.
—cont.

said Ordnance map (sheet XXX.6) thence across the public road known as Castle Hill thence along the southern boundary of Farnham Castle being the enclosure numbered in the said urban district 2115 on the said Ordnance map (sheet XXX.6) and terminating at the boundary of the said water limits in Farnham Park in the enclosure numbered in the said urban district 2109 on the said Ordnance map (sheet XXX.6).

Rural district of Hambledon—

So much of the parish of Peper Harow as lies to the southward of the river Wey.

THE THIRD SCHEDULE.

LIMITS OF SUPPLY.

In the county of Surrey—

So much of the urban district of Farnham as is not comprised within the limits for the supply of water by the Farnham Urban District Council described in the Farnham Water Order 1886 and section 85 of the Wey Valley Frimley and Farnham Water Act 1898 except such part of the said limits as is described in the Second Schedule to this Act.

So much of the urban district of Haslemere as immediately prior to the coming into operation of the Surrey Review Order 1933 formed (a) the parish of Shottermill (b) part of the parish of Frensham (c) part of the parish of Elstead and (d) that part of the parish of Thursley situate to the northward of an imaginary line drawn due east from the north-eastern corner of the enclosure numbered in the parish of Shottermill 12 on the 1/2500 Ordnance map (Surrey sheet XLIV.4 edition 1916).

In the rural district of Guildford—

Parishes of Puttenham.

Seale (except so much thereof as is within the limits for the supply of water by the Mid-Southern Utility Company).

Wanborough.

In the rural district of Hambledon—

Parishes of Dockenfield.

Elstead.

Frensham.

Thursley (except so much thereof as lies to the southward of an imaginary line drawn due east from the north-eastern corner of the enclosure numbered in the parish of Shottermill 12 on the 1/2500 Ordnance map (Surrey sheet XLIV.4 edition 1916)).

Tilford.

So much of the parish of Peper Harow as lies to the southward of the river Wey.

In the county of Southampton—

In the rural district of Alton—

Parishes of Bentley.

Binsted.

Chawton.

East Tisted.

Farringdon.

Four Marks.

Froyle.

Grayshott.

Headley.

Kingsley.

Newton Valence.

Ropley.

Selborne.

West Tisted.

Whitehill.

Worldham.

In the rural district of Petersfield—

Parishes of Bramshott.

Greatham (except so much thereof as lies on the south side of an imaginary straight line drawn due east and west through the northernmost corner of the enclosure numbered in the said parish 265 on the 1/2500 Ordnance map (Hampshire sheet XLIV.13 edition 1910)).

3RD SCH.
—cont.

3RD SCH.
—cont.

In the county of West Sussex—

In the rural district of Midhurst—

Parish of Fernhurst.

So much of the parish of Iping as lies to the northward of an imaginary straight line drawn through the south-east corner of the enclosure known as Lawyer Piece and numbered in the parish of Rogate 65 on the 1/2500 Ordnance map (Hampshire sheet X.13 edition 1912) and the north corner of the enclosure known as Barn Field Plantation numbered in the parish of Linch 30 on the said Ordnance map (sheet X.11).

So much of the parish of Linch as lies to the northward of the imaginary line hereinbefore described.

Parishes of Linchmere.

North Ambersham.

So much of the parish of Stedham as lies to the northward of the imaginary line hereinbefore referred to.

So much of the parish of Trotton as lies to the northward of the imaginary line hereinbefore referred to.

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