

[56 & 57 VICT.] *Frimley and Farnborough District* [Ch. clxxxv.]
Water Act, 1893.



CHAPTER clxxxv.

An Act for incorporating the Frimley and Farnborough District Water Company and empowering them to construct Works and supply Water and for other purposes. A.D. 1893.
[27th July 1893.]

WHEREAS the several parishes and places in the counties of Hants and Surrey herein-after mentioned are at present inadequately supplied with water and it is expedient that provision should be made for affording an adequate supply of pure and wholesome water thereto :

And whereas the persons in that behalf in this Act named with others are willing on being incorporated into a Company with the necessary powers for such purposes to undertake the supply of water to such parishes and places and it is expedient that they should be incorporated accordingly and authorised to construct waterworks as by this Act provided and that such other powers as are in this Act contained should be conferred on them for the better and more effectually carrying the purposes of this Act into effect :

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed 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 Peace for the county of Surrey and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas by the Woking Water and Gas Act 1881 the Woking Water and Gas Company (in this Act called "the Woking Company") were incorporated and were authorised to supply water in divers parishes and places in the county of Surrey :

And whereas by the Farnborough District Waterworks Order 1883 (in this Act referred to as "the Provisional Order") certain

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A.D. 1893. — undertakers named therein were authorised to construct certain waterworks therein described and to supply and sell water within the limits of supply therein defined :

And whereas by the Surrey and Hants District Waterworks Act 1887 (in this Act called "the Act of 1887") the undertaking under the Provisional Order was vested in the Surrey and Hants District Waterworks Company incorporated by that Act (in this Act called "the Surrey Company") and the said Company were empowered to construct additional waterworks and to supply water within the parishes of Farnborough Crondall and the tithings or chapelries of Cove and Hawley and the village of Blackwater in the parish of Yateley all in the county of Hants and the parishes of Frimley and Ash in the county of Surrey as the said limits are defined on the map signed and deposited as in the said Act mentioned :

And whereas under the provisions of the Act of 1887 the undertaking of the Surrey Company has since been transferred to and is now vested in the Woking Company :

And whereas it is expedient that provision should be made as contained in this Act for the transfer to the Company of the undertaking acquired by the Woking Company under the Act of 1887 :

And whereas it is expedient to authorise the Company to enter into agreements with the Aldershot Gas and Water Company and the Woking Company or either of them as provided by this Act :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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 :—

Short title. 1. This Act may be cited as the *Frimley and Farnborough District Water Act 1893.*

Incorporation of general Acts. 2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act (namely) The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to roads and

to the temporary occupation of lands near the railway during the construction thereof Provided that the provisions of the last-mentioned Act as incorporated in this Act shall apply only to the reservoirs by this Act authorised and that in construing such provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the said reservoirs and the boundaries thereof and section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom.

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3. In this Act the several words and expressions herein-after mentioned have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

Interpreta-
tion.

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings ;

The expression "the Company" means the Company incorporated by this Act ;

The expressions "the waterworks" and "the undertaking" respectively mean and include the waterworks and the works connected therewith and the undertaking by this Act authorised ;

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

4. James William Gambier Arthur Cadlick Pain Frederick Hastings Goldney William Chance Edmund Atkinson Herbert John Butler Hollings Robert Tucker Pain Thomas Reynolds Joseph Holt and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes herein-after mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Frimley and Farnborough District Water Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase

Company
incorporated.

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A.D. 1893. — take hold and dispose of lands and other property for the purposes of this Act.

Limits of Act.

5. The limits of this Act for the supply of water herein-after referred to as "the limits of this Act" or "the district" shall be the parishes of Farnborough and Crondall and the tithings or chapelries of Cove and Hawley and the village of Blackwater in the parish of Yateley in the county of Hants and the parishes of Frimley and Ash in the county of Surrey as the said limits are defined on the map signed and deposited as in the Act of 1887 mentioned :

Provided always that if in any part of the district of any local authority within the limits of this Act adequate provision for the supply of water shall not have been made by the Company within four years after the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company and so far as regards the district of any local authority apply to or be binding on the local authority (as defined by that Act) of such district.

General purposes of the Company.

6. The Company shall be established for the purpose of making and maintaining the waterworks and for supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and generally for carrying the powers of this Act into execution.

Capital and number and amount of shares.

7. The capital of the Company shall be thirty-six thousand pounds in three thousand six hundred shares of ten pounds each.

Shares not to be issued until one fifth part thereof shall have been paid up.

8. Except as otherwise expressly provided by this Act the Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall be the interval between successive calls.

Power to borrow.

10. The Company may from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one fourth part of the amount of the capital by this Act authorised and at the time of such borrowing actually issued by shares but no part thereof shall be borrowed until the whole of the shares at the time issued shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth

section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that such shares have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof Provided that the Company shall not exercise their power to borrow until one third of the share capital of thirty-six thousand pounds has been issued and fully paid up.

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11. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof by the creation of shares instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act unless in either case all dividends upon the shares so created whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

12. 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 In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

For appointment of a receiver.

13. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act 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 such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Power to create debenture stock.

14. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in case of persons not *sui juris*.

15. All moneys raised by the Company on mortgage or 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 engaged.

Moneys borrowed on mortgage or debenture stock to have priority.

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A.D. 1893. — ments entered into by them after the passing of this Act Provided always 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 the Company in pursuance of any Act relating to 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 their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys. **16.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting. **17.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors. **18.** The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors. **19.** The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum of directors. **20.** The quorum of a meeting of directors shall be three.

First directors. **21.** James William Gambier Arthur Cadlick Pain Robert Tucker Pain and two persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power herein-before contained for reducing the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at

Election of directors.

any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. A.D. 1893.

22. Any contract to be made under this Act with any local authority or public body shall not disqualify any of the members of such local authority or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such local authority or public body shall vote upon any question with reference to any contract with such local authority or public body. Contracts not to disqualify for office of director.

23. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the waterworks herein-after described with all proper and necessary embankments filtering beds drains sluices catchpits conduits culverts channels wells cuts adits roads approaches telegraphs standpipes and hydraulic rams for high level service and other apparatus engines works and conveniences connected with the said works or any of them or incidental thereto or necessary or convenient for inspecting maintaining cleansing repairing conducting or managing the same and 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 that purpose: Power to make waterworks.

The waterworks herein-before referred to and authorised by this Act are situate in the parish of Frimley in the county of Surrey and are:—

- (1.) A pumping station and collecting reservoir (Work No. 1) to be situate in a field on the north side of and adjoining the main line of the London and South Western Railway at or near Sturt Junction and such reservoir having a capacity of one hundred thousand gallons or thereabouts;
- (2.) A conduit or line of pipes (Work No. 2) commencing in Work No. 1 and terminating in the Basingstoke Canal at or near the bridge carrying the Guildford Road over that canal near Frimley Lodge;
- (3.) A conduit or line of pipes (Work No. 3) commencing at Work No. 1 herein-before described and terminating at the service reservoir No. 4 herein-after described;
- (4.) A service reservoir (Work No. 4) to be situate on Frith Hill at a point forty chains or thereabouts east of the east end of

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Field Lane and forty chains or thereabouts south of the house known as The Hyde and having a capacity of five hundred thousand gallons or thereabouts ;

(5.) A conduit or line of pipes (Work No. 5) commencing at Work No. 4 and terminating at or near the junction of the Chobham and Bisley Roads and seven chains or thereabouts east of the old workhouse :

And the Company may by means of the said works or any of them take divert store and use the water which now flows along the London and South Western Railway into the river or stream known as the Blackwater and the water of the Basingstoke Canal and the springs streams and other waters upon or under the lands acquired by the Company under the powers of this Act or which may be taken impounded intersected or collected by means of the works authorised by this Act or any of them Provided always that the Company shall not construct any pumping station on the property numbered on the deposited plans 1 in the parish of Frimley :

Provided always that before taking or using any of the said waters the Company shall pay to the following persons or to their respective heirs executors administrators or assigns the sums set opposite their names respectively (that is to say) :—

	£
James Simonds as owner or reputed owner of Sindlesham Mill - - - - -	150
Edward Henry Ellis St. John as owner or reputed owner of the New Mill Finchampstead on behalf of himself as such owner and of Robert Dixon as tenant of the said New Mill - - - - -	250
John Walter as owner or reputed owner of Yateley Mill -	200
Thomas Colleton Garth as owner or reputed owner of Sandford Mill - - - - -	125

And the said sums shall be accepted by the said persons respectively or their respective heirs executors administrators or assigns in full discharge of all claims and demands whatsoever which could or might be made by them against the Company under the provisions of this Act or the Acts incorporated herewith or otherwise for or in respect of all damage to be sustained by the said persons respectively or the said mills by reason of the exercise by the Company of the powers of this Act :

Provided also that any telegraph constructed under the powers of this section shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

24. Nothing in this Act contained shall authorise the Company to acquire any part of any common or commonable lands in the parish of Frimley described in the Frimley tithe apportionment as fuel allotments and vested in the trustees of the Frimley poor or to take or interfere with any such lands except that the Company may so far as may from time to time be necessary acquire and exercise an easement for the laying down repairing renewing and maintaining of the reservoir conduits pipes and other works by this Act authorised in through and under the said lands and in every such case the surface of the said lands shall be restored as far as practicable to its former condition immediately on the completion of the works.

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Company to
acquire an
easement
only in
Frimley
Fuel Allot-
ment.

25. For the protection of main roads county bridges and approaches and other property in the county of Surrey be it enacted as follows:—

For the pro-
tection of
main roads
and bridges
in the county
of Surrey.

(A.) No works affecting any main road or bridge belonging to or under the control of the Surrey County Council or the approaches to any such bridge shall be constructed except in accordance with plans and specifications previously submitted to and signed by the surveyor for the time being of the county of Surrey and the said works shall be executed under the superintendence and to the reasonable satisfaction of the said surveyor and shall be thereafter maintained by the Company at their own expense and under such superintendence as aforesaid Provided that if the said surveyor omit to signify his approval or disapproval to the said plans and specifications during one month after the same shall have been submitted to him such omission shall be deemed an approval;

(B.) For the purposes of this section the term "main road" shall mean a main road under and within the meaning of section 11 of the Local Government Act 1888;

(C.) Except in the case of the before-mentioned omission of the county surveyor if the Company commence any works in contravention of this section they shall pay to the said county council by way of liquidated damages a sum of twenty pounds and a further sum of five pounds for every day in which the works shall be continued which sums may be recovered by the council with full costs of action in any court of competent jurisdiction;

(D.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the said county council all costs losses damages and expenses which they may be put to or sustain by reason of the execution or failure of any of the intended works or of any act or omission of the Company

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or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Company will effectually indemnify and hold harmless the said county council from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission ;

(E.) The reasonable costs charges and expenses of the said surveyor of and incident to the approval of the said plans and specifications and the superintendence of the works shall be paid by the Company.

Limits of deviation.

26. In the construction of the works authorised by this Act and subject to the provisions thereof the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards but not so as to alter the surface level of any road or to raise any conduit or line of pipes above the surface of the ground except so far as may be shown on the deposited sections Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

Period for compulsory purchase of lands.

27. 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 passing of this Act.

Period for completion of works.

28. If the works authorised by this Act be not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from extending their works mains and pipes from time to time whenever it shall be necessary for the purpose of increasing or distributing the supply of water within their existing limits of supply.

Power to owners to grant easements.

29. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this

behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid. A.D. 1893.

30. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole five acres in extent or any easement (not being an easement of water) in over or under any such lands Provided that the Company shall not upon any such lands create or permit any nuisance and that no buildings shall be erected on such lands except such as are required for the purposes of the Company's waterworks. Purchase of land by agreement.

31. The Company and the London and South Western Railway Company may enter into and carry into effect agreements with reference to the taking of water for the purposes of this Act and the laying down of mains or pipes and the construction of works in upon along or across the railways and works of the said railway company. Agreements with railway company.

32. In the event of the Company exercising the powers by this Act conferred upon them of taking water from the Basingstoke Canal the following provisions shall have effect unless otherwise agreed (that is to say) :— For the protection of the Basingstoke Canal.

- (1.) The quantity of water to be taken from the canal shall not exceed two hundred thousand gallons in any one day ;
- (2.) The Company shall pay to the receiver appointed in an action in the Chancery Division of the High Court of Justice entitled *Douglas v. Barrett* 1887 D. No. 73 by order dated the 2nd March 1887 while he shall continue such receiver and if any other receiver shall be appointed in the said action to such other receiver while he shall be such receiver and if and while there shall be no such receiver to the proprietors for the time being of the canal for the water taken from the canal at the rate of one penny for each one thousand gallons but the amount to be paid by the Company for the said water supply in any one year shall not be less than one hundred and fifty pounds to be paid quarterly ;
- (3.) The Company shall place a water meter to the reasonable approval of the person or persons for the time being entitled to the payments mentioned in sub-section 2 of this section at the point where Work No. 2 commences in the canal (that is to say the point furthest from its commencement in Work No. 1) and all water taken by the Company from the canal shall be drawn

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through the said meter and the register of the meter shall be primâ facie evidence of the quantity of water taken by the Company from the canal. The Company shall at all times at their own expense keep the said meter in proper order for correctly registering such water and the person or persons for the time being entitled as aforesaid and any person or persons authorised by him or them shall at all reasonable times have access to and be at liberty to take off remove test and inspect and replace the said meter such taking off removal testing and inspecting and replacing to be done at the expense of the person or persons for the time being entitled as aforesaid if the meter be found in proper order but otherwise at the expense of the Company ;

(4.) The Company shall be at liberty to use such part of the Frimley Wharf belonging to the canal as may be agreed with the person or persons for the time being entitled to receive the said payments mentioned in sub-section 2 of this section as an underground filter-bed such part not to exceed half an acre and so as not to prevent the surface being used for the purposes of the canal as at present and so that the present frontage of the said wharf towards the canal shall not be thereby reduced ;

(5.) Unless the above powers are exercised by the Company within three years after the passing of this Act they shall absolutely cease and determine ;

(6.) The costs of the receiver appointed in the said action of and in relation to this Act not exceeding the sum of twenty guineas shall be paid by the Company.

Restriction
on taking
houses of
labouring
class.

33. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied :

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

34. Except so far as may be provided by any byelaws confirmed as herein-after provided the water to be supplied by the Company need not be constantly laid on under pressure at a level above that at which water can be supplied by gravitation from the service reservoir by this Act authorised.

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Constant
pressure.

35. The Company shall at the request of any owner or any occupier of any dwelling-house or part of a dwelling-house in any road or street in which any pipe of the Company shall be laid or on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at rates according to the rateable value of such dwelling-house or part of a dwelling-house not exceeding the following (that is to say) :—

Rates at
which water
is to be
supplied for
domestic
purposes.

Where the rateable value of the premises so supplied with water shall not exceed twenty pounds at a rate per centum per annum not exceeding nine pounds ;

Where such rateable value shall exceed twenty pounds and shall not exceed forty pounds at a rate per centum per annum not exceeding eight pounds ;

Where such rateable value shall exceed forty pounds and shall not exceed sixty pounds at a rate per centum per annum not exceeding seven pounds ten shillings ;

Where such rateable value shall exceed sixty pounds and shall not exceed eighty pounds at a rate per centum per annum not exceeding seven pounds ;

Where such rateable value shall exceed eighty pounds and shall not exceed one hundred pounds at a rate per centum per annum not exceeding six pounds ten shillings ;

Where such rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding six pounds :

Provided that the Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum per annum is chargeable :

Provided that the Company shall not be obliged to furnish such supply for any less sum than twopence per week :

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond

Rates for
waterclosets

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and private
baths.

the first the sum of seven shillings and sixpence per annum and to every bath the sum of twelve shillings and sixpence per annum :

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor :

Provided that when the water rate is chargeable on the annual value of a part only of any premises entered in the valuation list or poor rate such annual value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Power to
Company to
supply water
for other
than domestic
purposes.

36. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes Provided that such supply for other than domestic purposes shall not at any time interfere with the supply for domestic purposes.

Charges for
supply to
workhouses
&c. to be
agreed or
settled by
county court
judge.

37. The Company shall not be bound to supply water to any workhouse hospital or other large public institution except upon such terms as may be from time to time agreed between them and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or as in default of agreement may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate.

Notice to
Company of
putting up
meters &c.

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

Register of
meter to be
primâ facie
evidence.

39. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

40. The Company shall not be bound to supply more than one house by means of the same service pipe but they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

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Company not bound to supply several houses by one pipe.

41. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a separate pipe.

When several houses supplied by one pipe each to pay.

42. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements or any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water.

Supply of water to tenements in a row.

43. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say):—

Byelaws for preventing waste of water.

(1) The Company may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination;

(2) No such byelaws shall be of any force or effect except within such part or parts of the district which the Company are for the time being under the provisions herein-after in that behalf contained bound to supply and shall in fact supply or be prepared on demand to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such byelaws shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed byelaws shall have been given by or on behalf of the Company to every

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sanitary authority within the limits of supply and any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient;

- (3) All such byelaws shall be subject to the provisions contained in sections 182 to 184 of the Public Health Act 1875 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 as if the Company were a local authority and the byelaws were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority;
- (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 being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy;
- (5) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof;
- (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 pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable;
- (7) Any person who shall offend against any such byelaws shall without prejudice to any other right or remedy for the protection of the Company or punishment of the offender be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

44. Any byelaws which the Company from time to time submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the district to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the Company shall thenceforth be bound to supply the part or parts of the district specified in the byelaws so confirmed with water under constant pressure.

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Where byelaws confirmed Company bound to supply water under constant pressure.

45. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Form and service of notices by Company.

46. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable for arrears.

47. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be posted to or left at the office for the time being of the Company.

Notice of discontinuance.

48. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Liability to water-rent not to disqualify justices &c.

49. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

Contents of summons &c.

50. Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

Penalties not cumulative.

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Agreements
with adjoining
Companies.

51. The Company may from time to time enter into and carry into effect agreements with the Aldershot Gas and Water Company and the Woking Company or either of those companies for the purchase by and sale to the Company of water in bulk for the purposes of this Act:

Provided always that the Aldershot Gas and Water Company shall not sell or supply water to the Company under any such agreement as aforesaid beyond their limits if and so long as such sale or supply would prevent the Aldershot Gas and Water Company from giving a full and efficient supply for domestic and military purposes within those limits.

Issue of
shares to
Woking
Company.

52. Within six months after the passing of this Act the Company shall create and issue to the Woking Company five hundred fully paid-up shares of ten pounds each and also such number of like fully paid-up shares as shall represent at par value the costs to be payable to the Woking Company under the section of this Act of which the marginal note is "Costs of Act" The said five hundred shares shall be subject to the incidents in this Act mentioned and the Woking Company shall accept all the shares to be issued as aforesaid and may either hold the same or any of them or they may sell or otherwise dispose of the same or any of them on such terms and conditions as they may think fit Any dividends which may be received by the Woking Company in respect of any shares so held by them shall be carried to the credit of their revenue account and the proceeds of any sale or other disposal of any of the said shares shall be carried to the credit of their capital account and shall be applied to the payment off of borrowed money or to other purposes to which capital is properly applicable.

As to division
of profits.

53. The profits of the Company available for dividend in each year shall subject to the provisions of any future Act be applied as follows namely:—

First. In payment of dividends for that year at a rate not exceeding five pounds per centum per annum (less income tax) and not exceeding the total sum of one thousand two hundred and fifty pounds (less the income tax payable thereon) on any shares for the time being of the Company other than and not including the said five hundred shares to be issued to the Woking Company but including such shares as shall under the next preceding section be issued to the Woking Company in respect of costs as therein provided;

Secondly. In payment of dividends for that year at a rate not exceeding five pounds per centum per annum (less income tax) and not exceeding the total sum of two hundred and fifty

pounds (less the income tax payable thereon) on the said five hundred shares to be issued to the Woking Company as in the next preceding section provided; A.D. 1893.

Thirdly. When such profits shall have reached a sum sufficient to pay in manner aforesaid dividends at the rate of five pounds per centum per annum on the said five hundred shares to be issued to the Woking Company the future profits of the Company available for dividend shall subject to the provisions of this Act be applied in payment of dividends rateably upon all the shares of the Company including those issued to the Woking Company and thenceforth all distinction between the shares issued to the Woking Company and the other shares of the Company shall cease;

Provided always that until the said five hundred shares to be issued to the Woking Company are entitled to dividend rateably with the other shares of the Company the Company shall not except with the consent of the Woking Company in any year pay a larger sum than three hundred and sixty pounds by way of interest on borrowed money or debenture stock;

Provided further that no larger sum than one thousand two hundred and fifty pounds shall be paid by the Company as dividend on their capital under this or any future Act whether preference or ordinary in priority to the dividend on the shares to be issued to the Woking Company until all distinction between the shares last mentioned and the other shares of the Company shall have ceased as aforesaid.

54. On the issue by the Company to the Woking Company of shares as provided by the section of this Act of which the marginal note is "Issue of shares to Woking Company" all the undertaking property lands powers rights and privileges obligations and liabilities acquired and incurred by the Woking Company under and by virtue of the Act of 1887 (other than the powers of raising money by shares stock debenture stock or borrowing conferred on the Woking Company by that Act) shall be transferred to and vested in the Company and the Company may hold exercise and enjoy the said undertaking property lands powers rights and privileges subject to the obligations and liabilities attaching thereto under and by virtue of the said Act which obligations and liabilities shall be undertaken and discharged by the Company to the exoneration and indemnity of the Woking Company:

Transfer of certain powers of Woking Company to Company.

From and after such transfer and notwithstanding anything contained in section 39 of the Aldershot Gas and Water Order 1890 the consent of the Woking Company shall not be required in respect

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of a supply of water by the Aldershot Gas and Water Company under that section within the limits of this Act Provided that the Aldershot Gas and Water Company shall not exercise the powers conferred by the said section with respect to the supply of water within the limits of this Act except upon lands belonging to or vested in Her Majesty's Principal Secretary of State for the War Department without the consent in writing of the Company:

The transfer shall be evidenced by a deed of conveyance to be prepared approved executed and stamped by and at the expense of the Company The said deed so stamped shall within three months of its execution be produced to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of completion shall be a debt due to Her Majesty from the Company.

Unexercised
capital
powers of
Woking
Company
cancelled.

55. From and after the transfer to the Company of the undertaking of the Woking Company under the provisions of this Act—

- (A) All powers of that Company under the Act of 1887 of raising money by shares stock debenture stock or borrowing shall cease and determine except so far as regards the sum of eight thousand two hundred and fifty pounds of share capital already created and issued by the Woking Company under the powers of that Act;
- (B) Section 103 of the Act of 1887 shall be by this Act repealed;
- (C) Sections 104 to 109 of the Act of 1887 shall continue in full force and as if the same were re-enacted in this section;
- (D) In addition to the sums which the Woking Company are authorised to borrow by any former Act or Acts they may from time to time borrow on mortgage of their undertaking in respect of the additional capital of eight thousand two hundred and fifty pounds issued by them as aforesaid under the powers of the Act of 1887 any sum or sums not exceeding in the whole two thousand and sixty-two pounds but no part of such sum of two thousand and sixty-two pounds shall be borrowed until one half of such additional capital of eight thousand two hundred and fifty pounds is paid up and the Woking Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such additional capital have been issued and accepted and that one half of such additional capital has been paid up and that not less than one

fifth part of the amount of each separate share in such additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors and assigns are legally liable for the same and upon production to such justice of the books of the Woking Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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56. The Company may hold and use or may sell and dispose of any lands or property acquired by them from the Woking Company under the provisions of this Act and not required for the purposes of their undertaking.

Power to Company to sell lands acquired from Woking Company.

57. Nothing in this Act shall authorise the Company to exercise any powers in or over upon or under any lands belonging to or vested in Her Majesty's Principal Secretary of State for the War Department nor to take or abstract water from such lands without the consent of the said Principal Secretary of State to be signified in writing under the hand of the Secretary of the War Department nor shall anything in this Act prevent the War Department or any duly authorised agent or person from constructing works or entering into agreements with the Company or any company or person for a supply of water to the barracks and other public buildings or for any military purpose at Aldershot or in the neighbourhood thereof.

For the protection of the property of the War Department.

58. All costs charges and expenses of and incident to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company who shall also bear and pay the costs of the Woking Company of and incidental to the negotiations for and the passing of this Act and the negotiations for transfer and the transfer to the Company of the undertaking acquired by the Woking Company under and by virtue of the Act of 1887.

Costs of Act.

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