



CHAPTER lvii.

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

A.D. 1930.

[15th April 1930.]

WHEREAS the City of Chester Waterworks Company were incorporated by the Act 7 Geo. IV cap. cx (hereinafter called "the Act of 1826") and by that Act were empowered to construct works and supply water and exercise the powers therein contained within the limits thereby prescribed:

And whereas the said Company were re-incorporated and re-constituted by the Chester Waterworks Act 1857 under the name or title of the Chester Waterworks Company (in this Act called "the Company") and the Act of 1826 was thereby repealed subject as therein mentioned and further powers in relation to their undertaking were conferred upon them by the said Act of 1857 and by the Chester Waterworks Acts 1874 and 1911:

And whereas the following is a statement of the capital which the Company are authorised to create and issue and have created and issued:—

Name of stock.	Issued.	Premiums.	Unissued.	Total.
	£	£ s. d.	£ s. d.	£
6 per cent. consolidated ordinary stock.	97,478	3,864 3 1	36 16 11	} 164,250
4½ per cent. preference stock.	62,871	—	—	

A.D. 1930.

And whereas the Company are authorised to borrow on mortgage in respect of their said capital as from time to time paid up the total sum of forty-nine thousand pounds and have borrowed the sum of thirty-nine thousand eight hundred and fifty pounds :

And whereas it is expedient that the Company should be empowered to make and maintain the works in this Act described and to acquire lands for the purposes thereof :

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

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and of their undertaking :

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 peace for the county of Chester and those plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

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

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

Short and
collective
titles.

1. This Act may for all purposes be cited as the Chester Waterworks Act 1930 and this Act and the Chester Waterworks Acts 1857 to 1911 may be cited together and are in this Act referred to as the Chester Waterworks Acts 1857 to 1930.

2. There are hereby incorporated with this Act— A.D. 1930.

- (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; Incorporation of general Acts.
- (b) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof Provided that in construing the said provisions for the purposes of this Act the expression "the railway" shall mean the works by this Act authorised and "the centre of the railway" shall mean the centre lines of such works;
- (c) The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts

so far as such Acts or parts thereof or such provisions are applicable for the purposes of and are not inconsistent with this Act; and

- (d) The Waterworks Clauses Acts 1847 and 1863 (except the words "with the consent in writing" of the owner or reputed owner of any such "house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847) so far as the same are applicable for the purposes of and are not inconsistent with the Chester Waterworks Acts 1857 to 1930.

3. 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 Interpretation.

A.D. 1930. assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And—

“the Company” means the Chester Waterworks Company;

“the Act of 1857” “the Act of 1874” and “the Act of 1911” mean the Chester Waterworks Acts 1857 1874 and 1911 respectively;

“the existing Acts” means the Act of 1857 the Act of 1874 and the Act of 1911;

“the city” means the city and county of the city of Chester;

“the new works” means the works described in subsection (1) of the section of this Act of which the marginal note is “Power to make works”;

“the existing limits” means the limits within which the Company are by the existing Acts authorised to supply water;

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

“the undertaking” means the undertaking of the Company for the time being authorised;

“the river” means the river Dee;

“the directors” means the directors of the Company; and

“telegraphic line” has the same meaning as in the Telegraph Act 1878.

Power to
make works.

4.—(1) Subject to the provisions of this Act the Company may make and maintain 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 the works hereinafter described 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 (that is to say):—

In the city—

Work No. 1 A subsidence reservoir in the enclosures numbered 497A and 497B on the $\frac{1}{2500}$ Ordnance map (1911) Cheshire sheets No. XXXVIII-11 and 12;

A.D. 1930.

Work No. 2 A service reservoir lying to the south of the said subsidence reservoir (Work No. 1) and the centre thereof being 4 chains or thereabouts measured in a northerly direction from the northern corner of the chapel at the corner of Cecil Street and Tarvin Road;

Work No. 3 A line or lines of pipes commencing in the service reservoir (Work No. 2) and terminating at the existing service reservoir of the Company in the enclosure numbered 532B on the said Ordnance map sheet XXXVIII-11;

Work No. 4 A line or lines of pipes to be laid partly in or under the river Dee commencing at a point $3\frac{1}{2}$ chains or thereabouts measured in a south-westerly direction from the south-western side of the existing pumping station of the Company and terminating at the said pumping station;

Work No. 5 A water tower in the enclosure numbered 366 on the said Ordnance map sheet No. XXXVIII-15;

Work No. 6 A line or lines of pipes commencing at the said water tower (Work No. 5) and terminating in Overleigh Road.

In the parish of Upton-by-Chester in the rural district of Chester—

Work No. 7 A water tower in the enclosure numbered 71 on the said Ordnance map sheet No. XXXVIII-3 the centre of such water tower being at a point 9.9 chains or thereabouts measured in a north-easterly direction from the north-east corner of the Children's Cottage Home;

Work No. 8 A line or lines of pipes commencing at the said water tower (Work No. 7) and terminating in Long Lane.

(2) The Company may upon lands acquired by them for the purposes of or in connection with the undertaking whether under the provisions of this or any other Act make and maintain all such works and conveniences as they may consider necessary or convenient

A.D. 1930.

in connection with or subsidiary to the new works or for inspecting maintaining repairing cleansing managing working or using the same :

Provided that—

- (a) nothing in this subsection 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 ;
- (b) any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General.

Limits of deviation.

5. In the construction of the new works the Company may deviate 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 such road shall be deemed to be such limits and they may also deviate from the levels shown on the deposited sections to any extent not exceeding four feet upwards and ten feet downwards :

Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown upon the deposited sections and five feet in addition thereto.

Period for completion of works.

6.—(1) If the new works are not completed within a period of five years from the passing of this Act then on the expiration of that period the powers granted by this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

(2) Provided that the Company may extend enlarge alter reconstruct renew or remove any of the new works and in the case of any line or lines of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require.

Works to form part of undertaking.

7. Subject to the provisions of this Act the new works shall for all purposes whatsoever form part of and be comprised in the undertaking.

As to payments for postal and other facilities.

8. The Company may undertake to pay to the Postmaster-General any loss which he may sustain by reason of the establishment or maintenance at their request of any telegraph office or of any additional

facilities (postal or otherwise) in connection with the new works and any expenses incurred by the Company under such undertaking may be defrayed out of any revenue or funds of the Company.

A.D. 1930.

9. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to lay down or erect for the purposes of the undertaking Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line :

Application of Waterworks Clauses Act 1847 to aqueducts and telephones.

Provided that the Company shall not construct lay down erect and maintain any discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road or bridge or approach belonging to or maintainable by any railway company or railway committee except with the consent in writing of such railway company or committee which consent shall not be unreasonably withheld and under the superintendence (if given) and to the reasonable satisfaction of the engineer of such railway company or committee.

10. And whereas in the construction of the new works or otherwise in the exercise of the powers of this Act it may happen that a portion only of the house or building numbered on the deposited plans 10 in the city and county borough of Chester may be sufficient for the purposes of the same and that such portion may be severed from the remainder of the said property without material detriment thereto therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the said house or building may if such portion can in the opinion of the tribunal to whom the question of disputed

Owners may be required to sell part only of certain property.

A.D. 1930.

compensation shall be submitted be severed from the remainder of such property without material detriment thereto be required to sell and convey to the Company the portion only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portion required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Company may acquire easements only in certain cases.

11.—(1) The Company may in lieu of acquiring any lands for the purposes of the new works where the same are to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

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

(3) Nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require them to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Easement in respect of river Dee &c.

12. Notwithstanding anything in this Act the Company may purchase and acquire an easement or right of constructing maintaining and using or removing the line or lines of pipes (Work No. 4) authorised by this Act in or under the river or the bed banks or shores thereof or in under or over the property numbered on the deposited plans 2 in the city without the company being obliged or compellable to purchase any greater

interest in under or over the same and the provisions of the Lands Clauses Acts shall extend and apply to the purchase or acquisition of such right or easement as if the same were lands within the meaning of those Acts.

A.D. 1930.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

14. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

As to private rights of way over lands taken compulsorily.

15. 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 in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

16. Notwithstanding anything in this or any other Act to the contrary the Company may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under the Chester Waterworks Acts 1857 to 1930 and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or

Retention and disposal of lands.

A.D. 1930. — other disposition and on any exchange may give or take money for equality of exchange.

Extension of limits of supply.

17. The limits within which the Company may supply water and exercise the powers conferred on them by the existing Acts and this Act shall extend to and include (in addition to the existing limits) the parish of Lea-by-Backford in the rural district of Chester in the county of Chester and within the said parish the Company (subject to the provisions of this Act) shall have and may exercise all and the like powers privileges and authorities for and in relation to the supply of water and be subject to all the like duties and obligations in respect thereof as they have and are subject to within the existing limits.

Restrictions on mooring vessels in river.

18. It shall not be lawful for any person without the consent in writing of the Company to anchor moor fasten or lay any houseboat barge or other vessel used or adapted for human habitation in any part of the river opposite or alongside any portion of the banks of the river which is situate within a distance of five hundred yards measured up and down the river from the intake of the Company in the river and if any person shall anchor moor fasten or lay a houseboat barge or other vessel in contravention of this enactment such person shall for every such offence be liable to a penalty not exceeding five pounds Provided that a person shall not be convicted of an offence under this section if he proves that the act complained of was committed without his knowing or having reasonable means of knowing that such act constituted an offence.

Notice of preceding section.

19. Notice of the provisions of the last preceding section of this Act shall within three months after the passing of this Act be advertised once in each of two successive weeks in one or more local newspapers circulating within the limits of supply and shall be kept posted in a conspicuous place on a notice board set up on some part of the bank of the river which is situate within the distance mentioned in such last preceding section.

As to exercise of powers of section 12

20. The Company may on all or any of the lands from time to time held by them execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12 of the Waterworks Clauses

Act 1847 (other than wells and works for the taking and intercepting of water) Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

A.D. 1930.
—
of Water-
works
Clauses Act
1847.

21.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Company may for the purposes of measuring the quantity of water supplied or for preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Company and stopcocks in the pipes supplying houses or other premises with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus and the provisions of the said Act with respect to the opening and breaking up of sewers drains and tunnels shall *mutatis mutandis* extend and apply to the breaking up and interference with gas pipes under the provisions of this section :

Meters in
streets to
measure
water or
detect
waste.

Provided that the Company shall not under the provisions of this section enter upon break up or interfere with the railway or works or any electric lines wires or apparatus belonging to or maintained by any railway company or railway committee or any street belonging to such railway company or committee without consent in writing (which shall not be unreasonably withheld) or unreasonably interfere with or render less convenient the access to or exit from any station or depôt of any railway company or committee Any question whether or not any such consent has been unreasonably withheld shall be referred to and determined by a single arbitrator to be agreed upon between the Company and such railway company or committee or failing agreement to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

(2) Provided that the Company shall not interfere with any telegraphic line belonging to or used by the

A.D. 1930. Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Amendment
of section 35
of Water-
works
Clauses Act
1847.

22. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Company be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Guarantees
by district
councils.

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

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section. Provided that where such money is raised by a rural district council by means of a rate such rate shall be or shall be deemed to be a special rate but without prejudice to the powers of the council under section 56 of the Local Government Act 1929.

Extension
of power to
inspect
premises.

24. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for
closing
valves &c.

25. Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to

the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage sustained by them. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

A.D. 1930.

26. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for opening valves &c.

27.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 or under any Act relating to the Company to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Power to person liable to maintain pipes &c. to open ground.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street within the limits of supply execute such works on behalf of such owner or occupier and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

28. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred

Main-tenance of common pipe.

A.D. 1930. — by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the secretary of the Company.

Additional capital.

29. The Company may from time to time raise additional capital not exceeding in the whole seventy thousand pounds by the creation and issue of consolidated ordinary stock or new preference stock or wholly or partially by one or other of those modes respectively :

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 seventy thousand pounds :

Provided also that the Company shall not raise under the powers of this section by the creation and issue of preference stock any sum which together with any sum raised by the creation and issue of preference stock under the Chester Waterworks Act 1911 shall amount to more than one hundred and twenty-seven thousand one hundred and twenty-five pounds.

Incidents of new capital.

30. The additional capital and the stock therein and the holders thereof respectively shall (except as may be otherwise expressly provided by the resolution creating the same) 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 existing capital of the Company of the same class or description and the new stock were stock in that capital The additional capital shall form part of the capital of the Company.

New stock to be sold by auction or tender.

31.—(1) All ordinary preference or debenture stock issued by the Company after the passing of this Act shall be issued in accordance with the provisions of this section.

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

(a) Notice of the intended sale shall be given in writing to the town clerk of the city and the

clerk to the council of every district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits;

- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister of Health not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) No lot offered for sale shall comprise stock of greater nominal value than one hundred pounds;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company;
- (e) In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid;
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any stock which has been so offered for sale and not sold may be offered at the reserve price to the holders of ordinary and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of those classes of persons

A.D. 1930. — only Provided in a case of an offer to holders of stock that if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

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

Power to offer stock for subscription.

32. It shall be lawful for the Company with the consent of the Minister of Health and subject to such conditions as that Minister may think fit to impose to offer for subscription by the public any stock which they are or may hereafter be authorised to issue and upon any such offer to pay a commission not exceeding two and a half per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such stock or procuring or agreeing to procure subscriptions whether absolute or conditional for any such stock :

Provided that—

- (a) the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company inviting subscriptions for such stock;
- (b) any stock so offered as aforesaid shall be issued at as near as may be (and in no case more than five per centum below) the average price at which any stock of the Company of the same class or description was sold during the year immediately preceding the offer; and
- (c) nothing in this section shall affect any power of the Company to pay brokerage.

33. The Company shall not in any one year pay out of their profits any larger dividend on any part of the additional capital to be raised under the powers of this Act than six pounds in respect of every one hundred pounds actually paid up of such capital except so far as a larger dividend be at any time necessary to make up the deficiency of any previous dividend on any part of such capital which shall be raised as ordinary capital which dividend shall have fallen short of the said sum of six pounds per centum.

A.D. 1930.
—
Limit of
dividends.

34. The directors may in any year without calling a meeting of the Company for the purpose declare and pay an interim half-yearly dividend Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed in any half-year one-half of the amount of the authorised rates of dividend on the ordinary capital or one-half of the annual dividend assigned to the preference capital of the Company in respect of which such interim dividend is declared.

Interim
dividends.

35. Any sum of money which may arise from the issue of any stock under the provisions of this Act by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended only on purposes to which capital is properly applicable or in paying off money borrowed or owing on mortgage or redeemable debenture stock by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Application
of pre-
miums.

36. Subject to the provisions of this Act but without being required to obtain the certificate of a justice of the peace under the fortieth section of the Companies Clauses Consolidation Act 1845 the Company may by virtue of this section but not otherwise borrow on mortgage of the undertaking or by the creation and issue of debenture stock in respect of the capital which they are authorised to raise under the existing Acts any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or by the creation and issue of debenture stock before the passing of this Act and outstanding at the date or respective dates on which the Company exercise the powers of this section) the sum of eighty-two thousand one hundred and twenty-five pounds.

Borrowing
powers in
respect of
existing
capital.

A.D. 1930.

—
Power to
borrow.

37. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking or by the creation and issue of debenture stock in respect of the additional capital authorised by this Act any sum or sums not exceeding in the whole one-half of the moneys which at the time of borrowing have been raised by the creation and issue of ordinary or preference stock under the powers of this Act other than stock which has been redeemed at the time of such borrowing but no sum shall be borrowed in respect of any money so raised until the Company shall have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of the stock at the time issued together with the premiums (if any) realised on the sale thereof have been fully paid up.

Debenture
stock.

38. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 56 (Debenture stock) of the Act of 1911 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock granted or issued after the passing of this Act.

Priority of
mortgages
and debenture
stock.

39. All moneys raised or to be raised by the Company on mortgage or by debenture stock under the provisions of the Chester Waterworks Acts 1857 to 1930 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:

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.

Priority of
existing
mortgages.

40. All mortgages granted by the Company under the authority of the existing Acts before the passing of this Act and subsisting at the date of such passing shall during the continuance of such mortgages and

subject to the provisions of the existing Acts have priority over all mortgages granted under the authority 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.

A.D. 1930.

41. Section 58 (For appointment of a receiver) of the Act of 1911 is hereby repealed but without prejudice to any appointment made thereunder or to any proceedings pending at the passing of this Act. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds.

Appoint-
ment of
receiver.

42.—(1) The directors may from time to time by virtue of this Act and without further or other sanction or authority issue so as to be redeemable at such times and in such manner and on and subject to such terms and conditions and to bear dividends or interest at such rate or rates as the directors at the time of the issue thereof determine any preference stock or debenture stock (all of which are in this section referred to as and included in the expression "stock") created by the Company under the powers conferred by this Act.

Redeemable
stock.

(2) There shall be stated on each certificate of any such stock the time or times at which and the manner in which and the terms and conditions on and subject to which such stock is to be redeemed.

(3) If it is so provided in the said terms and conditions the Company may—

(a) call in and pay off the stock or any part thereof at any time before the date fixed for redemption; and

(b) redeem the stock or any part thereof either by paying off the stock or by issuing to the holder of any stock subject to his consent other stock in substitution therefor.

(4) For the purpose of providing money for paying off the stock or for the purpose of providing substituted

A.D. 1930. — stock the Company may create and the directors may issue other stock (either redeemable or irredeemable) or the directors may re-issue any stock originally created and issued as aforesaid provided that the creation and issue under the powers of this subsection of stock or of any particular class of stock does not make the total nominal amount of such stock or of stock of such class exceed the amount of such stock or of stock of such class which the Company are for the time being authorised to create and issue except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

(5) The Company shall not redeem out of revenue any stock created and issued as aforesaid.

As to re-
deemed
capital.

43. For the purpose of determining the amount which may from time to time be raised by the Company by the creation and issue of ordinary or preference shares or stock or mortgages or debenture stock any shares or stock redeemed by the Company in pursuance of any powers of the Company in relation to the redemption of preference shares or stock or mortgages or debenture stock shall after the redemption thereof be deemed not to have been created and issued.

Reserve and
contingency
funds.

44.—(1) The Company may if they think fit form a reserve fund by setting apart in any year out of the clear profits of the undertaking such sum as they may determine (subject to the limits hereinafter prescribed) for the purpose of answering any deficiency which may at any time happen in the amount of divisible profits or of meeting any extraordinary claim or demand which may at any time arise against them.

(2) The Company may also if they think fit form a contingency fund by setting apart in any year out of the clear profits of the undertaking such sum as they may determine (subject to the limits hereinafter prescribed) for the purpose of meeting contingencies or for payment of the cost of renewing repairing enlarging or improving any part of the works forming part of the undertaking.

(3) If either of such funds be at any time reduced it may thereafter be again restored within the limits hereinafter prescribed and so from time to time as often as such reduction shall happen.

(4) Any sums so set apart for the formation of a reserve or contingency fund as aforesaid may from time to time be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest.

(5) The aggregate amount standing to the credit of the reserve fund and contingency fund shall not together at any time exceed a sum equal to ten per centum of the capital for the time being expended by the Company. Whenever the reserve fund and contingency fund shall together amount to this sum the interest and dividends on the funds shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

(6) The aggregate amount which may be carried by the Company in any year to the formation or restoration of the reserve fund and contingency fund shall not together exceed a sum equal to one and a half per centum of the capital for the time being expended by the Company.

(7) The Company shall transfer to any reserve fund or contingency fund formed under the foregoing provisions any sum then standing to the credit of any existing reserve fund or contingency fund of the Company as the case may be.

(8) Section 76 of the Waterworks Clauses Act 1847 and section 122 of the Companies Clauses Consolidation Act 1845 shall cease to apply to the Company.

45. The Company may apply to any of the purposes of any Act of the Company to which capital is properly applicable any moneys which they are authorised to raise by any of the existing Acts or this Act.

Application of funds.

46.—(1) Where any premises supplied by water are let to or occupied by monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided

Rates payable by owners of small houses.

A.D. 1930. that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) Nothing in this section shall limit or affect the operation of section 72 (Owners of houses not exceeding £10 rent to be liable to water rates) of the Waterworks Clauses Act 1847.

Price of supply by meter.

47. The price to be charged by the Company for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons. Provided that the Company shall be entitled to charge a minimum sum of one pound in any quarter of a year for water supplied by meter.

Charges for hose-pipes and refrigerating apparatus.

48.—(1) Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hose-pipe or other similar apparatus is used charge such sum not exceeding twenty shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first. Any sums chargeable under this subsection shall be payable quarterly in advance and be in addition to the rates for the time being authorised by or under the existing Acts for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(2) Where a person who takes a supply of water from the Company for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Company may if they think fit require that all water used for or in connection with the said apparatus shall be taken by meter on the conditions and paid for at the rates for the time being in force for the supply of water by the Company by meter or on such other terms as may be agreed between him and the Company. The minimum sum per quarter which may be demanded by the Company for water used for or in connection with refrigerating apparatus if taken by meter shall not exceed ten shillings.

49.—(1) The directors may out of the revenues of the Company grant such gratuities pensions or allowances or make such other payments as they may think fit to any employee of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee and may if they think fit establish and maintain a fund to be called "the pensions fund" for that purpose.

A.D. 1930.
—
Power to grant pensions &c.

The said pensions fund shall not come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

(2) The proprietors of the Company in general meeting may also if they think fit prepare put in force and from time to time modify alter or rescind a scheme prescribing the terms and conditions upon which employees of the Company or any classes of such employees may become contributors to the pensions fund and the contributions to be made by such employees and the gratuities pensions allowances or payments to which such contributors shall be entitled.

(3) The directors (with regard to any gratuity pension or allowance or other payment granted or made by them under the provisions of subsection (1) of this section) and the Company (with regard to any gratuity pension allowance or payment which may become payable under any such scheme as is referred to in subsection (2) of this section) may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant such gratuities pensions allowances or payments as are by this section authorised to be granted or made.

(4) The directors may in any year contribute out of the revenue of the Company to any pension fund established under the provisions of this section such sum as the directors may think fit for maintaining such fund at an adequate amount.

(5) In this section the word "employee" includes any officer or servant of the Company.

(6) The directors may apply the revenues of the Company for the purposes of this section.

A.D. 1930.

Power to directors to make donations subscriptions &c.

50. The directors may subscribe or make donations to infirmaries and hospitals and convalescent homes and other similar institutions and objects or to industrial exhibitions or to the benevolent accident or sick funds of the employees of the Company and may for any of those purposes apply the funds and revenues of the Company.

Ordinary meetings.

51. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 or in any Act relating to the Company the ordinary general meeting of the Company shall be held in each year in the month of February or at such other time as the directors may appoint and it shall not be obligatory on the Company to hold half-yearly general meetings or to balance their accounts or to make up a balance sheet half-yearly.

Joint holders.

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

Number of directors.

53. The number of directors shall be seven but the Company may at any time and from time to time vary the number provided that the number be not at any time more than seven or less than five.

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

54. No person not being a retiring director of the Company shall be eligible to be elected a director of the Company at any general meeting unless notice in writing is given to the secretary of the Company or left at the principal office of the Company fourteen days at least before the date of election that such person will be proposed for election as a director of the Company and the secretary of the Company shall during such fourteen days and on the day of election

fix a copy of every such notice so delivered in some conspicuous place in such office No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of stock for at least three months prior to his election In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

A.D. 1930.

55. Section 64 of the Act of 1911 shall be read and construed as if the words "or holding any office or place of trust or profit under" were inserted in that section after the words "interested in any contract with" and as if there were added at the end of the said section the words "Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment."

Amending section 64 of Act of 1911.

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

As to appointment of managing director.

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

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

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they

A.D. 1930.

may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

Saving as to
Salmon and
Freshwater
Fisheries
Act 1923.

For protec-
tion of
Cheshire
County
Council.

57. Nothing in this Act shall exempt the Company from the obligations imposed by section 19 of the Salmon and Freshwater Fisheries Act 1923.

58. The following provisions for the protection of the county council of the administrative county of Chester (in this section referred to as "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the Company and the county council apply and have effect with respect to the exercise of any powers of the Company under this Act in or affecting any county road (that is to say):—

- (1) The line or lines of pipes (Work No. 8) by this Act authorised so far as the same shall be laid in any such road shall be laid at the expense of the Company in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct and in accordance with plans submitted to and approved by the county council previously to the execution of any such works and under the reasonable superintendence (if given) and to the reasonable satisfaction of the said surveyor. Provided that if the said surveyor shall not within fourteen days after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof and the Company may forthwith proceed to execute the works specified without his superintendence. And provided further that if he shall express his disapproval thereof such works shall in case of difference be constructed in accordance with plans and sections to be approved by an arbitrator appointed in manner hereinafter provided:
- (2) In the event of the county council at any time desiring to alter the level of deviate widen or reconstruct any such road in or along which the said Work No. 8 shall have been laid the Company shall on receiving one month's

notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of the said work in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in manner hereinafter provided and the county council shall repay to the Company the expenses reasonably incurred by the Company in effecting any such alteration of the position of such work :

- (3) The said Work No. 8 shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road and the Company shall not in executing the same break up at any one time a greater consecutive length than one hundred yards of any such road :
- (4) On completion of the said work and on the reinstatement to the reasonable satisfaction of the said surveyor of any such road the Company shall (notwithstanding anything contained in the Waterworks Clauses Act 1847) in lieu of keeping such road in repair as provided by section 32 of that Act repay to the county council all reasonable expenses of and incident to the maintenance and repair thereof for the period prescribed by the said section but if any difference arises with regard thereto the same shall be settled by arbitration in manner hereinafter provided :
- (5) If the Company in the execution of the said work in or affecting any such road as aforesaid shall cause any damage injury or disturbance to such road and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the county council after reasonable notice to the Company of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly

A.D. 1930.

incur in carrying out such works including all reasonable expense of superintendence :

- (6) The Company shall take all necessary steps at their own expense for protecting the public using such road from injury and shall be liable for all damages or loss that may be incurred consequent upon their neglect or omission to provide such protection :
- (7) If any difference arises at any time between the county council and the Company under this section or concerning anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall extend and apply to any such arbitration.

For protec-
tion of
Chester Cor-
poration.

59. Notwithstanding anything contained in this Act the following provisions for the protection of the mayor aldermen and citizens of the city (in this section called "the corporation") shall unless otherwise agreed between the corporation and the Company apply and have effect (that is to say) :—

- (1) The Company shall not for the purposes of this Act exercise any of the powers of the Railway Clauses Consolidation Act 1845 as incorporated with this Act in respect of any lands belonging to the corporation :
- (2) The Company shall not in constructing the line or lines of pipes (Work No. 4) by this Act authorised so far as the same shall be in or under the river deviate upwards from the level of the said work as shown on the deposited sections :
- (3) The Company shall in constructing so much of the line or lines of pipes (Works Nos. 3 4 and 6) by this Act authorised as shall be in or under any highway or in laying down any water main pipe or other work in any highway in the city construct the same so that so far as reasonably practicable no part of any such work shall be within three feet of the surface of the highway in which the same shall be :

- (4) Any dispute or difference which may arise between the corporation and the Company under this section shall failing agreement be settled by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

A.D. 1930.

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

For protection of London Midland and Scottish Railway Company.

- (1) Work No. 1 by this Act authorised shall be carried out under the supervision (if given) and to the reasonable satisfaction of the chief engineer of the railway company and according to plans sections and specifications and at such times as shall be previously submitted to and approved in writing by him and so as not to cause any injury to the Shropshire Union Canal. Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within twenty-eight days after the same have been submitted to him he shall be deemed to have approved thereof:
- (2) The said Work No. 1 shall be at all times maintained in good repair by the Company to the reasonable satisfaction of the said engineer and in default of such maintenance the railway company may from time to time by notice in writing signed by their engineer and delivered at the principal office of the Company require the Company to put the same into good repair forthwith and if the Company for seven days after receipt of such notice refuse or neglect to repair the same the railway company may without further notice carry out such repairs and all expenses properly incurred by them in or about such repairs shall be repaid to them by the Company. Provided that in case of accident happening or immediate danger being apprehended to the said canal by reason of the

A.D. 1930.

said Work No. 1 being in want of repair the railway company may without giving such notice make such repairs as may be necessary and the expenses of the same shall be repaid to them by the Company :

- (3) The Company shall bear and on demand pay to the railway company all reasonable costs of watching lighting and protection of the said canal with reference to and during the construction of the works and repairs thereof but such superintendence by the railway company shall not relieve the Company from liability for any accident which may be occasioned by or through the operations of the Company or their contractors agents or workmen :
- (4) In laying down or executing or in effecting under the powers of this Act the repairs and renewals of any mains pipes or other works of the Company upon across over under or in any way affecting the railways canal lands or property belonging to the railway company or used or occupied by them for the purposes of their undertaking or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company (hereinafter called "the railways and canal") the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the chief engineer of the railway company according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company Provided that if the said engineer shall not express his disapproval of such plans within twenty-eight days from the submission thereof he shall be deemed to have approved thereof :
- (5) The Company shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company under the powers of this Act and all the works matters and things aforesaid shall be constructed executed

and done so as not to cause any injury to the railways and canal or interruption to the passage or conduct of the traffic over the railways and canal :

- (6) If any such injury to the railways and canal or interruption to the traffic thereon shall arise from or be in any way owing to any of the acts operations matters and things aforesaid whether occasioned by the Company or their contractors or any person or persons in the employ of the Company or their contractors or the bursting leakage or failure of any such mains pipes or works the Company shall make full compensation in respect thereof to the railway company :
- (7) Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall failing agreement be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

61. Notwithstanding anything in this Act or shown on the deposited plans and sections the following provisions for the protection of the board of conservators of the river Dee fishery district (in this section referred to as "the fishery board") shall have effect except as otherwise agreed in writing between the fishery board and the Company :—

For protection of Dee Fishery Board.

- (1) No part of the line or lines of pipes (Work No. 4) or of any other works by this Act authorised which will be situate in on or under the river or the banks bed or shore thereof shall be commenced until plans and sections of the work have been submitted to and approved by the fishery board or if their approval is unreasonably withheld by an arbitrator to be appointed as hereinafter provided and every such work shall be constructed strictly in accordance with the plans and sections thereof as so approved Provided that if the fishery board do not within

A.D. 1930.

twenty-eight days after the receipt of any plans and sections submitted to them under this subsection signify their approval or disapproval thereof they shall be deemed to have approved thereof :

- (2) If any dispute shall arise between the fishery board and the Company under the preceding subsection the dispute shall be referred to a single arbitrator to be agreed by the parties or in default of agreement to be appointed by the Minister of Agriculture and Fisheries on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference :
- (3) The Company shall not execute under the powers of this Act any work which shall prejudicially affect the free flow of water in the river or the free passage of fish along the river :
- (4) Except as is by this Act expressly provided nothing in this Act shall take away lessen prejudice or alter any of the rights powers authorities or privileges of the fishery board vested in them by any Act or Acts of Parliament or otherwise howsoever.

For protection of
Chester
United Gas
Company.

62. For the protection of the Chester United Gas Company (in this section called "the gas company") the following provisions shall unless otherwise agreed between the gas company and the Company apply and have effect as regards the construction of the Works Nos. 6 and 8 by this Act authorised which are in this section referred to as "the works" (that is to say):—

- (1) Before commencing to execute the works in any street or road in which any mains pipes fittings or other apparatus (in this section called "apparatus") of the gas company are laid which will be within three feet of any apparatus the Company shall give to the gas company not less than fourteen days' notice in writing of their intention to execute the works and shall at the same time deliver to the gas company for their reasonable approval a plan and section of the works and the works shall not be executed except in accordance with such plan and section

as so approved or as settled by arbitration as hereinafter provided. Provided that in the event of such plan and section not being objected to within fourteen days from the receipt thereof they shall be deemed to have been approved by the gas company. The Company shall also if required to do so by the gas company give them any such further information in relation to the works as they may reasonably require :

- (2) If it should appear to the gas company that the execution of the works as proposed would interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of gas the gas company may within fourteen days from the receipt by them of the notice referred to in subsection (1) of this section give notice to the Company requiring the alteration of the position of such apparatus in such manner and to such substituted position as may be reasonably necessary and any difference as to the necessity of any such alteration or the manner of carrying out the alteration shall be settled by arbitration as hereinafter provided and all such alterations shall be carried out by the gas company but at the reasonable expense of and to the reasonable satisfaction of the Company and under the superintendence of the engineer of the Company if he thinks fit to attend after receiving not less than three days' notice for that purpose which notice the gas company are hereby required to give :
- (3) In executing any such alterations the gas company shall not be required to remove or displace any apparatus in any case where substituted apparatus is necessary until good and sufficient substituted apparatus and other works necessary or proper for continuing the supply of gas as efficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Company have been first made and laid down by the Company in lieu thereof and be ready for use. Provided that the gas company

A.D. 1930.

shall pay to the Company such sum as shall be agreed or determined by arbitration to be the then value of the apparatus so removed or displaced and retained by the gas company or handed over by the Company to them :

- (4) Whenever by reason of the execution by the Company of the works any apparatus (other than apparatus for which new apparatus has been substituted under the provisions of this section) shall be rendered derelict useless or unnecessary the Company shall forthwith pay to the gas company such a sum as may be agreed between the Company and the gas company or as failing such agreement may be determined by arbitration as hereinafter provided to be the then value of such apparatus and such apparatus shall thereupon become the property of the Company and in addition to such payment the Company shall pay to the gas company the reasonable cost of and incidental to the cutting off of any such derelict useless or unnecessary apparatus from any other apparatus of the gas company and of and incidental to any other works or things rendered necessary in consequence of such apparatus being rendered derelict useless or unnecessary by the exercise by the Company of the powers of this Act :
- (5) The Company shall make good all damage done by them to any apparatus in the execution of the works and shall make full compensation to the gas company for any loss (other than loss of revenue) damage costs or expenses which they may sustain by reason of any interference with any such apparatus or the access thereto :
- (6) If any difference shall arise with respect to any matter under this section between the Company and the gas company the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party (after notice in writing thereof to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

63. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions for the protection of George Bennet Paterson and his successors in title as owners in fee simple of the estate in the parish of Upton-by-Chester known as "The Acres" (in this section called "the owner") shall unless otherwise agreed in writing between the Company and the owner apply and have effect (that is to say):—

A.D. 1930.

—
For protection of
George
Bennet
Paterson.

- (1) The Company shall not be entitled to acquire from the owner any greater area of the land numbered 1 on the deposited plans for the said parish of Upton-by-Chester than one acre and within six months after the acquisition thereof the Company shall to the reasonable approval of the owner plant in such position on the lands of the owner as he may select a plantation of conifers and poplars or other quick growing trees extending over an area to be agreed upon or failing agreement to be determined by arbitration as hereinafter in this section provided for the purpose of screening from view the water tower (Work No. 7) by this Act authorised from the estate of the owner:
- (2) The said water tower (Work No. 7) shall not exceed a height of forty-one feet above the level of the ground and shall be constructed by the Company in accordance with drawings of the elevations and particulars of the materials previously submitted to and reasonably approved by the owner and the said drawings and particulars shall be deemed to be approved if objection thereto in writing be not delivered by the owner to the Company within fourteen days after the delivery of the same to the owner:
- (3) Notice to treat for the purchase of the said part of the land of the owner numbered 1 on the said deposited plans shall be served upon the owner within one year after the passing of this Act:
- (4) The Company shall not use or permit to be used any part of the said land numbered 1 as aforesaid for the construction of any waterworks other than the said water tower (Work No. 7) and

A.D. 1930.

lines of pipes and other works incidental to such water tower and the Company shall not erect upon the said land any dwelling-house except such dwelling-house or dwelling-houses as they may require for the use and occupation of the servants of the Company :

(5) The Company shall not sell the said land or any part thereof to any person without having previously offered the same to the owner at a price to be determined failing agreement by arbitration as hereinafter provided :

(6) Any question or dispute that may arise between the Company and the owner under this section shall be referred to and determined by a single arbitrator to be appointed by the President of the Surveyors' Institution on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

Judges not disqualified.

64. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order from time to time relating to the Company by reason of his being liable to any rate.

Contents of summons &c.

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

Penalties not cumulative.

66. Penalties imposed under any Act or Order from time to time relating to the Company for one and the same offence shall not be cumulative.

Recovery of penalties &c.

67. Save as otherwise by this Act expressly provided all offences against any Act or Order from time to time relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty

shall not be recovered as penalties but may be recovered summarily as civil debts. A.D. 1930.

68. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the Company whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

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

The Act of 1857—

- Section 13 (Rates and rents now payable to continue till altered);
- Section 17 (Officers to continue till removed);
- Section 28 (Power to convert loans into capital);
- Section 29 (As to votes of holders of mortgage stock);
- Section 30 (Limiting dividends upon capital);
- Section 31 (As to amount payment and disposal of shares);
- Section 32 (Manner of voting at meetings);
- Section 34 (Number and qualification of directors so far as relates to number of directors);
- Section 35 (Power to vary the number of directors);
- Section 40 (First and other meetings).

The Act of 1874—

- Section 11 (Restriction as to votes in respect of preferential shares or stock);
- Section 45 (Liability to rates &c. not to disqualify justices &c.).

The Act of 1911—

- Section 49 (New stock to be sold by auction or tender);
- Section 57 (Debenture stock to be sold by auction);

[Ch. Ivii.] *Chester Waterworks Act, 1930.* [20 GEO. 5.]

A.D. 1930.

Section 66 (Several sums in one summons);

Section 67 (Penalties not cumulative);

Section 68 (Recovery of penalties);

Section 69 (Recovery of demands).

Costs of Act.

70. 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.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., O.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.