



## CHAPTER lvi.

An Act to authorise the Rickmansworth and Uxbridge Valley Water Company to construct new works and to raise additional capital and for other purposes. [14th July 1936.] A.D. 1936.

**W**HEREAS the Rickmansworth and Uxbridge Valley Water Company (hereinafter called "the Company") are by the Rickmansworth and Uxbridge Valley Water Acts and Orders 1884 to 1928 authorised to construct and maintain waterworks and to supply water within the limits in the counties of Hertford Middlesex and Buckingham thereby prescribed :

And whereas the demand for water within the Company's limits of supply has increased and is increasing and in order to enable the Company to make proper provision for this increasing demand it is expedient that the Company be empowered to make and maintain the works in this Act mentioned and that the limit on the amount of water which they may pump at their Deep Mill pumping station be increased :

And whereas the Company are authorised by the said Acts and Orders to raise by the creation and issue of share capital the aggregate amount of five hundred and twenty-six thousand pounds and the whole of that amount has been so raised except twenty-four pounds and twopence :

And whereas the Company are authorised by the said Acts and Orders to raise by borrowing on mortgage

A.D. 1936. — of their undertaking or by the creation and issue of debenture stock an aggregate sum equal to one-half of the amount which has for the time being been raised by the creation and issue of share capital and in pursuance of that power the Company have created and issued debenture stock to the aggregate amount of two hundred and sixty-two thousand nine hundred and seventy pounds :

And whereas it is expedient that the Company be authorised to raise additional share and loan capital and that further powers be conferred on the Company and further provision be made with reference to their undertakings as in this Act contained :

And whereas it is expedient that the other provisions of this Act be enacted :

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

And whereas plans showing the situations of the wells and pumping stations authorised by this Act and a plan and section showing the line and levels of the road authorised by this Act and a book of reference to those 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 or used for the purposes or under the powers of this Act have been deposited with the clerk of the county council of the administrative county of Middlesex :

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 :—

#### PRELIMINARY.

Short and collective titles.

1.—(1) This Act may be cited as the Rickmansworth and Uxbridge Valley Water Act 1936.

(2) The Rickmansworth and Uxbridge Valley Water Acts and Orders 1884 to 1928 and this Act may be cited together as the Rickmansworth and Uxbridge Valley Water Acts and Orders 1884 to 1936.

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

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Incorporation of Acts.

The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 Provided that any question of disputed compensation to which the provisions of the Lands Clauses Acts apply (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 on the application of either party;

8 Vict. c. 18.

The Waterworks Clauses Act 1847 except section 7 and 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 and except sections 76 to 79;

10 & 11 Vict. c. 17.

The Waterworks Clauses Act 1863;

26 & 27 Vict. c. 93.

The Companies Clauses Consolidation Act 1845 as amended by subsequent Acts except the provisions thereof with respect to the conversion of borrowed money into capital; and

8 & 9 Vict. c. 16.

The Companies Clauses Act 1863 as amended by subsequent Acts except Part IV.

26 & 27 Vict. c. 118.

(2) Section 22 of the Companies Clauses Act 1863 as amended by subsequent Acts and incorporated with any of the existing Acts and Orders and this Act shall in its application to the Company have effect as if the words “and to the same amount as” were omitted therefrom.

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

Interpretation.

“the Company” means the Rickmansworth and Uxbridge Valley Water Company;

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47 Vict.

c. xvii.

48 Vict.

c. xx.

63 & 64 Vict.

c. ccxlii.

6 Edw. 7.

c. cxxxvi.

7 & 8 Geo. 5.

c. xxxii.

18 & 19

Geo. 5.

c. xlix.

“ the Act of 1884 ” means the Rickmansworth Waterworks Act 1884;

“ the Act of 1885 ” “ the Act of 1900 ” “ the Order of 1906 ” “ the Order of 1917 ” and “ the Act of 1928 ” respectively mean the Rickmansworth and Uxbridge Valley Water Act or Order of those respective years;

“ the existing Acts and Orders ” means the Act of 1884 the Act of 1885 the Act of 1900 the Order of 1906 the Order of 1917 and the Act of 1928;

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

“ the new works ” means the works described in subsection (1) of section 4 (Power to construct works) of this Act;

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

“ the Minister ” means the Minister of Health.

#### WORKS AND LANDS.

Power to  
construct  
works.

4.—(1) Subject to the provisions of this Act the Company may in the county of Middlesex in the lines or situations and in under or upon the lands delineated on the deposited plans and described in the deposited book of reference and as regards Work No. 5 hereinafter described according to the levels shown on the deposited section make and maintain—

Work No. 1 A well in the urban district of Yiewsley and West Drayton in connection with the West Drayton pumping station of the Company and in the enclosure numbered 131 in the parish of Yiewsley on the Ordnance map (scale 1/2500) edition of 1914 Middlesex sheet No. XIV.12;

Work No. 2 A well and pumping station in the urban district of Uxbridge on land belonging to the Company comprising part of the enclosure numbered 110 in the parish of Harefield on the said Ordnance map Middlesex sheet No. IX.12;

Work No. 4 A well and pumping station in the urban district of Uxbridge on land belonging to the Company on the west side of the towpath of the Grand Union Canal and comprising parts of the enclosures numbered respectively 636 and 651 in the parish of Harefield on the said Ordnance map Middlesex sheets Nos. IV.15 and IV.11; A.D. 1936.  
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Work No. 5 A road in the urban district of Uxbridge extending along the west side of the towpath of the Grand Union Canal from the north-easterly corner of the last-mentioned land to the north-western end of the bridge over that canal at Springwell lock together with a bridge carrying the said road over the river Colne.

(2) In addition to the foregoing works the Company may in under or upon the lands delineated on the deposited plans make and maintain such wells shafts adits borings and headings and all such other buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the new works or any of them and also (as regards the lands delineated on the deposited plans in relation to the said Work No. 1) as may be necessary or convenient in connection with or subsidiary to the said West Drayton pumping station but nothing in this subsection shall exonerate the Company from any action indictment or other proceeding for nuisance if any nuisance be caused or permitted by them.

(3) Any well constructed under the powers of this section shall be lined by the Company for a depth of at least fifty feet so as to keep out all surface waters and notwithstanding anything in this section no adit shall be constructed under the powers of subsection (2) of this section at a less depth than one hundred feet from the top of the well from which it is driven.

5. In the construction of the new works the Company may deviate laterally to any extent within the limits of deviation shown on the deposited plans and in the construction of Work No. 5 authorised by this Act they may deviate vertically upwards from the Power to deviate.

A.D. 1936. — levels thereof shown on the deposited section to any extent not exceeding one foot.

Power to acquire lands.

6. The Company may for the purposes of the works authorised by this Act and of obtaining access thereto and for the general purposes of the undertaking enter upon take and use the lands delineated on the deposited plans and described in the deposited book of reference in relation to the new works or any interests in those lands not vested in the Company at the passing of this Act.

Power to acquire easements compulsorily.

7.—(1) Notwithstanding anything in this Act or in any Act wholly or partly incorporated with this Act the Company shall not be required to purchase or take the lands within the limits of deviation shown on the deposited plans in relation to Work No. 5 authorised by this Act but they may purchase and take and the owners of and other persons interested therein shall (if so required by the Company) sell such easements and rights in under and over the said lands or any part thereof as the Company may require for the purposes of passing and repassing over and along those lands and over and across the river Colne with vehicles officers and servants and constructing placing laying supporting maintaining and using in and under those lands and over and across the river Colne any line or lines of pipes and works connected therewith and from time to time inspecting cleansing repairing enlarging or removing the same.

(2) The Company may give notice to treat in respect of any such easements and rights as aforesaid describing the nature thereof and subject to the foregoing provisions of this section and to the other provisions of this Act the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if they were lands within the meaning of those Acts except that no such easement or right shall be deemed to be part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

Correction of errors in deposited plans and book of reference.

8. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the

Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices that the omission or misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the Middlesex County Council and a duplicate thereof shall be deposited with the clerk of the urban district in which the lands are situate and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with the certificate. A.D. 1936.

9. For the purpose of determining any question of disputed compensation payable in respect of land taken compulsorily under the powers of this Act the arbitrator or other authority to whom the question is referred shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twenty-seventh day of November nineteen hundred and thirty-five if in the opinion of the authority the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act. Compensation in case of recently created interest.

10. The powers of the Company for the compulsory purchase of lands and easements for the purposes of this Act shall cease after the first day of October nineteen hundred and thirty-nine. Period for compulsory purchase of lands and easements.

11. 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 Persons under disability may grant easements &c.

A.D. 1936. — 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.

Power to retain and sell &c. lands.

**12.**—(1) The Company may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of to such persons in such manner and for such consideration and on such terms and conditions as they may think fit and in case of sale either in consideration 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 in lands acquired at any time by them and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposal of such lands or interests and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

(2) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 shall not apply to the Company or be incorporated with the existing Acts and Orders or any of them.

Power to take waters.

**13.** The Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all underground streams springs and waters which will or may be taken or intercepted by means of the works authorised by section 4 (Power to construct works) of this Act.

Limit on pumping at Work No. 4.

**14.**—(1) In this section—

“ the Springwell pumping station ” means the well and pumping station (Work No. 4) authorised by this Act and includes all wells shafts adits borings and headings constructed in connection therewith under the powers of this Act;

“ day ” means a period of twenty-four hours calculated from midnight to midnight.



(2) The quantity of water to be pumped by the Company by means of the Springwell pumping station shall not exceed in any one day two million two hundred and fifty thousand gallons. A.D. 1936.

(3) For the purpose of ascertaining the quantity of water pumped by the Company by means of the Springwell pumping station the Company shall within one month from the completion of Work No. 4 authorised by this Act provide at that pumping station and at all times thereafter maintain in an efficient state of repair suitable appliances for automatically measuring and for otherwise ascertaining and recording the quantity of water pumped by means of that pumping station.

(4) Any appliances provided pursuant to subsection (3) of this section and the records thereof shall at all reasonable hours in the daytime be open to the inspection of the Middlesex County Council the Hertfordshire County Council the Metropolitan Water Board and the conservators of the river Thames or of any person duly authorised in writing by any of them.

(5) If it appears that the Company have been pumping by means of the Springwell pumping station a quantity of water in excess of the amount prescribed by subsection (2) of this section the Company shall be liable to a penalty not exceeding ten pounds for every day on which they shall have exceeded such prescribed quantity but without prejudice to any other right or remedy.

15. Section 9 (For protection of conservators of river Thames) and section 10 (For protection of Metropolitan Water Board) of the Act of 1928 shall have effect as if the words "seven hundred and fifty thousand gallons" were inserted in paragraph (3) of that section 9 in lieu of the words "four hundred thousand gallons." Increase of limit on pumping at Deep Mill pumping station.

16.—(1) For the purpose of conveying water from one part of the limits of supply to another part thereof the Company may subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets enter upon open and break up the soil and pavement of so much of the road leading from Ealing to Uxbridge known as Western Avenue Power to lay connecting mains.

A.D. 1936. — as is situate in the urban district of Ruislip-Northwood and any sewers drains or tunnels within and under such portion of road and lay down and place therein and thereunder pipes and other works and from time to time inspect repair maintain alter or remove the same and the construction laying or placing by the Company before the passing of this Act of any pipes and works in or under the said road or the site thereof is hereby sanctioned and confirmed.

(2) The Company shall in respect of the said portion of road and any pipes and works already or hereafter to be laid or placed by the Company therein or thereunder have the same rights and be subject to the same obligations and liabilities (other than rights and obligations with regard to the supply of water) as they would have and be subject to if the said portion of road pipes and works were situate within the limits of supply.

(3) Seven days before entering upon breaking up or otherwise interfering with the said portion of road the Company shall give notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said commissioner of police as may be reasonably necessary so as to cause as little interference with the traffic in the said portion of road during the execution of any works under the powers of this section as may be reasonably practicable.

Application  
of Water-  
works  
Clauses Act  
1847 to  
pipes  
telephones  
&c.

17.—(1) 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 and maintenance in any streets (but not above the surface thereof) within the limits of supply of any pipes for the discharge of water electric lines and apparatus for the transmission of electricity and telephone or telegraph wires conductors or apparatus which the Company may and which they are hereby authorised to lay down for the purposes of the undertaking :

Provided that any electric lines and apparatus for the transmission of electricity and telephone or telegraph wires conductors or apparatus laid down by the Company under the provisions of this section shall not be used in contravention of the exclusive privilege

[26 GEO. 5. & *Rickmansworth and* [Ch. lvi.]  
1 EDW. 8.] *Uxbridge Valley Water Act*, 1936.

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 (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

A.D. 1936.  
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32 & 33 Vict.  
c. 48.

(2) In this section the expression "limits of supply" shall include the portion of the parish of Harrow-on-the-Hill in the county of Middlesex as constituted at the passing of the Act of 1900 in which the Company have power to lay a through main under section 4 (Extension of limits of supply) of that Act and the portion of the road known as Western Avenue to which the last preceding section of this Act applies.

#### SUPPLY OF WATER &C.

18.—(1) Where the limits of supply are bounded by or abut on any street which is wholly or for part of its width outside those limits the Company may for the purpose of supplying water to the owner or occupier of any premises abutting on that street and being within the limits of supply exercise with respect to the whole width of the street the like powers of breaking up the street for the purposes of laying maintaining inspecting repairing and renewing pipes and apparatus as are exerciseable by them with respect to streets within the limits of supply and subject to the like conditions.

As to  
streets  
forming  
boundary  
of limits  
of supply.

(2) The owner and occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any pipe or apparatus or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Company and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street were wholly within the limits of supply.

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

A.D. 1936.

Power to lay pipes in private streets.

19.—(1) The Company may—

(a) on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water; and

(b) on the application of any person erecting or about to erect any house or other building on any land within the limits of supply to which land access is afforded by a street laid out but not dedicated to public use supply that person with water for use in connection with the erection of such building.

(2) For the purposes of subsection (1) of this section the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation with the existing Acts and Orders and this Act and as if the persons having the control or management of the street included the authority by whom the street would be maintained or repaired if it became a highway repairable by the inhabitants at large.

As to communication pipes.

20. Section 14 (As to communication pipes) of the Order of 1917 shall have effect as if the words “or the Waterworks Clauses Act 1863” were inserted after the words “the Waterworks Clauses Act 1847” where the last-mentioned words first occur in that section.

Separate communication pipes may be required.

21.—(1) The Company shall not be bound to supply with water more than one house or building or part of a house or building occupied as a separate tenement by means of the same communication pipe and they may if they think fit require that a separate communication pipe be laid from the main of the Company into each house or building or part of a house or building occupied as a separate tenement supplied by them with water.

(2) If the owner of any house or building or part of a house or building occupied as a separate tenement which is supplied with water by the Company when so required in pursuance of the preceding subsection fails within a period of three months after the receipt of such requirement to provide a separate communication pipe from the main of the Company into such house or

building or part of a house or building the Company may themselves do the work necessary in that behalf and may recover summarily from such owner as a civil debt the cost incurred by them in so doing. A.D. 1936.

(3) Where a house or building is at the passing of this Act divided into two or more parts occupied as separate tenements but is supplied by one communication pipe only the Company shall not require a separate communication pipe to be laid into each such part of the house or building unless and until the communication pipe by which the house or building is supplied becomes defective or requires renewal or unless and until the house or building is structurally altered so as to comprise a larger number of parts occupied as separate tenements than the number of parts so occupied at the passing of this Act.

(4) Where a house or building belonging to one owner is divided into two or more parts each of which is occupied as a separate tenement and the owner agrees with the Company in writing to pay the water rates in respect of every part of the house or building so occupied as a separate tenement then so long as the owner duly pays the water rate in respect of every such separate part of the house or building the Company shall not require a separate communication pipe to be laid into each such separate part of the house or building.

**22.**—(1) The Company may make byelaws for the purpose of preventing waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination of water. Byelaws for preventing waste &c. of water.

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

A.D. 1936.

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

23 & 24

Geo. 5. c. 51.

(4) All such byelaws shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and those provisions shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority. The confirming authority for the purposes of the said section 250 shall be the Minister.

(5) If any person fail to observe any of the byelaws made in pursuance of subsection (1) of this section and for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirement of such byelaws and the reasonable expenses of every such repair replacement or alteration shall be recoverable by the Company from the person in default.

(6) Any person who shall forge or counterfeit any stamp or mark used by the Company or by the authority of the Company for any of the purposes of subsection (3) of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

(7) Until any byelaws have been made under this section and confirmed pursuant to section 250 of the Local Government Act 1933 any regulations made by the Company for the like purposes under section 58 of the Act of 1884 and in force at the passing of this Act shall notwithstanding the repeal by this Act of that section continue in force and have full effect.

Power to inspect premises.

**23.** Section 29 (Extension of power to inspect premises) of the Act of 1928 shall have effect as if the words "between the hours of seven and nine in the

[26 GEO. 5. & *Rickmansworth and* [Ch. lvi.]  
1 EDW. 8.] *Uxbridge Valley Water Act, 1936.*

forenoon and also" were inserted therein after the A.D. 1936.  
words "at all reasonable times." —

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

25.—(1) The Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may supply water by meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes. Supply by meter.

(2) Nothing in this section shall affect the provisions of section 17 (Price for public supplies) of the Order of 1917 nor empower the Company to supply water by meter at a price exceeding the maximum price for the time being authorised for supplies by meter.

26.—(1) Notwithstanding anything in this or any other Act or any Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take a supply of water by meter and to pay to the Company such minimum charges as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure. Special terms for supplies to caravans shacks &c.

A.D. 1936.

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

Water rate payable for two or more houses in one occupation.

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

Water rates to be paid half-yearly.

**28.** Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Company shall be entitled to demand payment of water rates in advance by equal half-yearly payments on such days in each year as the directors may from time to time determine Provided that—

- (a) No person shall be liable to pay any water rate so demanded for any longer period in advance than three months; and
- (b) Any person who shall occupy any premises during part only of any half-year shall be liable only for a part of the water rate demanded for that half-year proportionate to that part of the half-year and if any such person shall have paid to the Company a greater part of such rate the balance shall be refunded to him by the Company.

#### PROTECTIVE PROVISIONS.

For protection of certain county councils.

**29.** The following provisions for the protection of the county council (as hereinafter defined) shall unless otherwise agreed between the Company and the county



council have effect with respect to the exercise of the powers conferred on the Company by this Act:— A.D. 1936.

(1) In this section—

“ the county council ” means in relation to mains pipes and other works laid down or executed by the Company under the powers of this Act in the administrative county of Hertford Middlesex or Buckingham the county council of that county;

“ county road ” and “ county bridge ” mean respectively a county road and a county bridge for the time being vested in the county council;

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

- (2) All new mains pipes and other works (not being replacements of existing mains pipes or works) laid down or executed under the powers of this Act in or along a county road or a county bridge shall be laid down or executed in such position in or at the side thereof as the county surveyor may reasonably direct:
- (3) Except in cases of leakage bursting or other emergency the notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such county road or county bridge as aforesaid be not less than seven days instead of three days:
- (4) Except in cases of leakage bursting or other emergency the plan required by section 31 of the Waterworks Clauses Act 1847 shall as regards any such county road or county bridge as aforesaid be on a scale of not less than twenty-five inches to the mile and be drawn to suitable scales to show clearly the proposed works and their proposed position and depth and be delivered to the county council or the county surveyor by the Company not less than fourteen days before the Company commence to open or break up or interfere with such county road or county bridge:

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- (5) All works executed by the Company under the powers of this Act shall be so executed as not to stop or (so far as reasonably practicable) impede or interfere with the traffic of any such county road or county bridge as aforesaid and the Company shall not under the powers of this Act break up at any one time a greater consecutive length than fifty yards at any place where only one cart can pass at the side of the opening or one hundred yards where only two carts can pass at the same time :
- (6) The Company shall not under the powers of this Act without the consent in writing of the county council (which consent shall not be unreasonably withheld) open or break up the roadway over or in any manner interfere with the structure of any county bridge but shall if so reasonably required by the county council attach any main pipe or work which they may wish to carry across a county bridge under or on the outside of the bridge in such manner as the county council may reasonably direct :
- (7) If the county council shall for the purpose of reconstructing or altering any such county bridge as aforesaid at any time require the position or level of any main pipe or other work of the Company laid under the powers of this Act in or by the side of the bridge to be altered the Company shall at their own expense on receiving notice in writing under the hand of the clerk of the county council so to do alter the same in such manner as may be reasonably required by such notice and under the superintendence of the county surveyor if the same be given and any additional expense in relation to the reconstruction or alteration of such bridge to which the county council may be put by reason of the necessity for providing for any such main pipe or other work of the Company shall be paid by the Company to the county council :

Provided that during the reconstruction or alteration of any such bridge as aforesaid the county council shall afford all reasonable

facilities to enable the Company temporarily to carry such mains pipes and other works across any stream or brook so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains pipes and works :

- (8) If the Company in the execution of any works under the powers of this Act in or affecting any such county road or county bridge as aforesaid shall cause any damage injury or disturbance to the same 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 fourteen days' notice to the Company of their 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 incur in carrying out such works :
- (9) No claim shall be made against the county council for damage to any main pipe or other work of the Company laid or executed under the powers of this Act unless the Company shall within forty-eight hours of the discovery by them or their servants of such damage have given written notice thereof to the county surveyor and shall have given him a reasonable opportunity and facilities for inspecting such works :
- (10) Any difference which arises between the Company and the county council or the county surveyor under this section shall be referred to and determined by an engineer to be appointed (in default of agreement between the parties) by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

A.D. 1936.

For  
protection  
of certain  
local  
authorities.

30. For the protection of the local authority the following provisions shall unless otherwise agreed between the local authority and the Company have effect:—

(1) In this section—

the expression “local authority” shall be deemed to refer to the mayor aldermen and burgesses of the borough of Ealing the urban district council of Harrow the urban district council of Wembley and the urban district council of Yiewsley and West Drayton in relation to streets and bridges within the areas of the said authorities respectively;

the expressions “the clerk” and “the surveyor” shall mean in relation to the borough of Ealing the town clerk and the borough surveyor and in relation to the said urban district councils the clerk and the surveyor of such councils; and

the words “street” and “bridge” respectively mean a street and a bridge for the time being vested in the local authority:

- (2) All pipes to be laid in along or across the carriageway of any street or bridge shall be laid in such position as the local authority in writing under the hand of the surveyor may reasonably direct and at such depth as to leave in any case where the local authority may reasonably so require not less than two feet six inches of cover between the surface of such carriageway and the top of the barrel of the pipe:
- (3) The Company shall not open a greater continuous length of a street than one hundred yards nor shall they leave a less space than fifty yards between any two consecutive openings and they shall not open a greater length than fifty yards at any place where such opening would leave insufficient space for the passage of two vehicles abreast:
- (4) In the application of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 30 of that Act shall (except in cases of emergency

in which cases the earliest possible notice shall be given) be not less than seven days instead of three days : A.D. 1936.  
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- (5) The plan required by section 31 of the said Act of 1847 shall be delivered by the Company to the local authority or the surveyor not less than seven days before they commence to open or break up any street or interfere with any bridge :
- (6) Nothing in this Act shall interfere with the right of the local authority to alter the line or level of or improve in any manner they think fit any street in or along which any pipes of the Company shall have been laid and the Company shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor so to do proceed to alter the position of any such pipes in the manner and to the extent prescribed by such notice or in case of difference determined by arbitration in the manner hereinafter prescribed and the expenses of any such alteration shall be paid to the Company by the local authority :
- (7) All works of the Company so far as they affect any streets and bridges shall be so executed by the Company as not so far as reasonably practicable in any way to impede or interfere with the traffic on any street or over any bridge or the approaches thereto :
- (8) Any difference which shall arise between the local authority and the Company under this section shall be referred to and determined by an arbitrator to be agreed upon between the local authority and the Company or failing agreement to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

**31.** Notwithstanding anything in this Act the following provisions for the protection of the sewers of the county council of the administrative county of Middlesex

A.D. 1936. Middlesex (in this section called "the county council") shall unless otherwise agreed in writing between the Company and the county council have effect:—  
County Council.

- (1) In this section the expression "specified work" means any pipe or other work (not being a replacement of an existing pipe or other work of the Company) laid down or placed by the Company under the powers of section 16 (Power to lay connecting mains) of this Act over under or within six feet of any sewer of the county council:
- (2) The Company shall not commence to lay down or execute any specified work until they shall have given to the county council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the office of the county council with plans and sections thereof as hereinafter defined and until the county council shall have signified their approval of the plans and sections or the plans and sections shall have been settled by an arbitrator as hereinafter provided. Provided that if the county council do not within twenty-one days after the service of the said plans and sections as aforesaid signify their disapproval or other directions with respect thereto they shall be deemed to have approved the plans and sections as served:
- (3) The Company shall comply with and conform to all such reasonable directions of the county council in the execution of any specified work as shall be reasonably necessary to secure the sewers of the county council against interference or risk of damage being caused by such execution and to prevent unreasonable obstruction by the specified work to any existing access to the said sewers and shall save harmless the county council against all expenses to be occasioned by the execution of the specified work:
- (4) Every specified work shall be executed by the Company under the supervision (if given) and to the reasonable satisfaction of the engineer

or other officer of the county council and all reasonable costs charges and expenses (other than salaries or wages of regular officials or servants of the county council) which the county council may be put to by reason of the specified work (whether in the execution of works supervision or otherwise) shall be paid to the county council by the Company on demand :

- (5) Nothing in the said section 16 of this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested in the county council in relation to sewers but all such rights powers and authorities shall be as valid and effectual as if that section had not been enacted :
- (6) The plans and sections to be submitted to the county council for the purposes of this section with respect to any specified work shall be detailed plans drawings sections and specifications describing the exact position and manner in which and the level at which the specified work is proposed to be constructed and shall accurately describe the position of all sewers of the county council which may be affected by such works (for which purpose the county council shall allow the Company access to plans in their possession and to any sewers of the county council in order to enable the Company to obtain reliable information) and shall comprise detailed drawings of every alteration which the Company may propose to make in any such sewer :
- (7) The county council may require such modifications to be made in the said plans drawings sections and specifications as may be reasonably necessary to secure their drainage system against interference or risk of damage and to provide and secure a proper and convenient means of access to the said sewers :
- (8) The Company shall be liable to make good all injury or damage caused by or resulting

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from any of their works or operations under the powers of this Act to any sewers drains or works vested in the county council and the county council may recover the amount thereof from the Company in any court of competent jurisdiction :

- (9) The approval by the county council of any plans or the superintendence by the county council of any work under the provisions of this section shall not exonerate the Company from any liability or affect any claim for damages under this section or otherwise :
- (10) Any dispute between the Company and the county council or their engineer under this section and any matter which by this section is required to be settled by an arbitrator shall be referred to and determined by an engineer to be agreed between the Company and the county council or failing agreement appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other party and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference :
- (11) The provisions of this section shall with respect to the execution of any specified work be in lieu of and not in addition to any provision in sections 28 to 34 of the Waterworks Clauses Act 1847 (as applied to the powers conferred on the Company by the said section 16 of this Act) for the protection of the county council as owners of any sewers but nothing in this subsection shall deprive the county council of the benefit of any provision in the said sections 28 to 34 (as applied as aforesaid) for their protection as a highway authority in relation to the execution of any specified work Provided that any plan which under section 31 of the said Act of 1847 (as applied as aforesaid) would in a case of difference between the Company and the county council be required to be determined by two justices shall be referred to and determined by an arbitrator



in accordance with the provisions of sub- A.D. 1936.  
section (10) of this section : —

- (12) The provisions of subsection (8) of this section shall also be in lieu of and not in addition to any provisions of any enactment incorporated with this Act which impose on the Company any liability to make compensation for or make good any injury or damage caused by or resulting from any of their works or operations under the powers of this Act to any sewer drain or work vested in the county council.

**32.** For the protection of the Metropolitan Water Board and of the conservators of the river Thames (in this section respectively referred to as "the board" and "the conservators") the following provisions shall unless otherwise agreed in writing between the board and the conservators and the Company have effect :—

For  
protection  
of Metro-  
politan  
Water  
Board and  
Thames  
Conser-  
vators.

- (1) No water pumped by the Company by means of their Deep Mill pumping station (including in that expression Work No. 3 authorised by the Act of 1928) shall be supplied by the Company for use otherwise than within—

(i) the parishes of Great Missenden and Little Missenden in the county of Buckingham as such parishes were respectively constituted at the passing of the Act of 1900; and

(ii) so much of the area defined in section 6 (Extension of limits of supply) of the Order of 1917 as was on the date of the coming into force of that Order situate in the county of Buckingham :

- (2) On or before the tenth day of every month the Company shall send to the board and the conservators copies of all daily records of the appliances maintained pursuant to section 14 (Limit on pumping at Work No. 4) of this Act at the Springwell pumping station as defined in that section :
- (3) Nothing in this Act shall authorise the Company to abstract any water from the river Colne or from any stream discharging into that river.

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For  
protection  
of Grand  
Union Canal  
Company.

**33.** The following provisions for the protection of the Grand Union Canal Company (in this section referred to as "the canal company") shall unless otherwise agreed in writing between the Company and the canal company apply and have effect with reference to the exercise of the powers of this Act:—

(1) In this section—

"the canal" means the canal belonging to the canal company;

"the specified works" means Works Nos. 1 4 and 5 authorised by section 4 (Power to construct works) of this Act and includes all buildings machinery works and apparatus authorised by this Act in connection with or subsidiary to those works and the West Drayton pumping station of the Company:

(2) The construction of the specified works and all future alterations repairs and renewals thereof shall be carried out and executed without causing any leakage or loss of water from the canal or any unnecessary interference with or damage to the canal or the towing-path banks or works thereof or other property of the canal company and so as to occasion no obstruction or impediment to the traffic along the canal or along the towing-path thereof:

(3) If in consequence of the construction use alteration repair or renewal of any of the specified works or the failure or want of repair thereof or any subsidence caused by the construction thereof or otherwise in consequence of the exercise by the Company of any of the powers of this Act with reference to the specified works any damage or injury to the canal or the towing-path thereof or other property of the canal company or any leakage or loss of water from the canal or any interruption of or interference with the conduct of the traffic along the canal or the towing-path thereof or to or from any other property of the canal company shall be at any time occasioned or arise the Company

shall forthwith at their own expense and to the reasonable satisfaction of the canal company's engineer execute all such works and do all such things as may be necessary to restore the canal or towing-path or other property of the canal company and the water in the canal to the same state and condition as before the happening of such injury or leakage or loss of water or remove the cause of such interruption or interference (as the case may require) and take all such steps as may be necessary to prevent the recurrence of such damage leakage loss interruption or interference under the superintendence (if the same be given) and to the reasonable satisfaction of the canal company's engineer :

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If the Company at any time fail to comply with the provisions of this subsection and also in emergency the canal company may after giving not less than fourteen days' previous notice in writing to the Company or forthwith if the circumstances so require execute and do themselves all such works and things as may be necessary as aforesaid and the Company shall pay to the canal company the costs and expenses reasonably incurred by the canal company in so doing :

- (4) The Company shall indemnify and hold harmless the canal company from all claims demands costs expenses and damages which may be made on or against them or which they may incur or have to pay in consequence of the construction and alteration repair or renewal of any of the specified works or the failure or want of repair thereof or any subsidence caused by the construction thereof or in consequence of any act or omission of the Company their contractors agents workmen or servants :

Provided that the canal company shall give to the Company immediate notice of any such claim or demand and that no settlement or compromise thereof shall be made except with the consent of the Company who shall (if they

A.D. 1936.

so elect) have the sole conduct of any settlement or compromise of or of any proceedings necessary to resist such claim or demand :

(5) (a) The Company shall not exercise the powers of section 17 (Application of Waterworks Clauses Act 1847 to pipes telephones &c.) and section 19 (Power to lay pipes in private streets) of this Act in respect of any street belonging to or repairable by the canal company or the towing-path of the canal without the consent in writing of the canal company Provided that with respect to any such street and with respect to any towpath which is not a highway such consent shall not be unreasonably withheld;

(b) The Company shall not in the exercise of the powers of the said section 19 unreasonably obstruct or interfere with the convenient access to any such street or towing-path as is mentioned in the preceding paragraph (a) :

(6) Any difference which may arise between the canal company and the Company under this section shall be referred to and determined by an arbitrator to be agreed between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

For protection of certain transport undertakers.

**34.**—(1) In this section the expression “the transport undertakers” means the following :—

The Great Western Railway Company;

The London and North Eastern Railway Company;

The London Midland and Scottish Railway Company;

The Metropolitan and Great Central Joint Committee;

The London Passenger Transport Board.

[26 GEO. 5. & *Rickmansworth and* [Ch. lvi.]  
1 EDW. 8.] *Uxbridge Valley Water Act, 1936.*

(2) The powers of section 17 (Application of Waterworks Clauses Act 1847 to pipes telephones &c.) of this Act shall not be exercised with respect to any street belonging to or maintainable by any of the transport undertakers except with the consent in writing of those transport undertakers but such consent shall not be unreasonably withheld nor shall the Company in carrying out the works authorised by that section unreasonably obstruct or interfere with the access to any such street. A.D. 1936.

(3) The powers of section 19 (Power to lay pipes in private streets) of this Act shall not be exercised with respect to any street belonging to and forming the approach to any station depot garage or other premises of any of the transport undertakers except with the consent in writing of those transport undertakers but such consent shall not be unreasonably withheld nor shall the Company in carrying out the works authorised by that section unreasonably obstruct or interfere with the convenient access to any such street.

(4) If within twenty-one days after the Company shall have applied to any of the transport undertakers for any consent under subsection (2) or subsection (3) of this section those transport undertakers fail to signify their consent or dissent they shall be deemed to have given their consent.

(5) Any dispute as to whether any consent applied for by the Company under subsection (2) or subsection (3) of this section has been unreasonably withheld or as to whether any works proposed to be carried out by the Company under the said sections 17 and 19 of this Act would unreasonably obstruct or interfere with the convenient access to any such street as is mentioned in subsection (2) or subsection (3) of this section shall be referred to and determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

(6) Nothing in section 22 (Byelaws for preventing waste &c. of water) of this Act or in any byelaws made thereunder shall apply to any water fittings (as defined in that section) used on any premises of any of the

A.D. 1936. — transport undertakers so long as such water fittings do not cause waste undue consumption misuse or contamination of water supplied by the Company.

For  
protection  
of owners of  
certain  
wells.

**35.**—(1) In this section—

“the authorised work” means (as the case may require) Work No. 2 or Work No. 4 authorised by this Act;

“protected well” means a well which is situate within a distance of two miles from the centre of the authorised work or from any adit boring or heading in connection with or subsidiary to the authorised work and exists at the passing of this Act as an effective source of supply;

“owner” includes lessee or occupier.

(2) If at any time during the construction or after the completion of the authorised work it shall be proved by the owner of any protected well that the pumping by the Company at that work has caused a diminution or cesser of the supply of water obtainable from that well as the same exists immediately before the diminution or cesser of supply the Company shall (but subject to the provisions of this section) upon the written request of the owner of that well (hereinafter in this section referred to as “the proving owner”) afford to him a supply of water equal to the amount of such diminution or to the supply which shall have ceased at such cost or rate (if any) as that the total cost to the proving owner of obtaining his full supply shall not be more after than before the occurrence of such diminution or cesser and on such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

(3) Notwithstanding anything in this section—

(a) The Company shall not be under any obligation to afford a supply of water for domestic purposes under subsection (2) of this section in respect of any protected well the water from which was immediately before the diminution or cesser so polluted as to be or to be likely to be injurious or dangerous to health;

- (b) The Company shall not be under any obligation to afford a supply of water for any purpose under subsection (2) of this section in respect of any protected well if the proving owner shall after reasonable demand have failed to afford to the officers servants and other representatives of the Company at all reasonable times after the passing of this Act access to that well and facilities for ascertaining particulars thereof and the level of the water therein or if the proving owner shall have failed to comply with paragraph (b) of subsection (11) of this section or shall have refused to allow any officer of or person duly authorised by the Company to inspect any meter or instrument provided pursuant to that paragraph (b) or to take copies of the records of the meter or instrument;
- (c) The Company shall not be under obligation to afford a supply of water under subsection (2) of this section while prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

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(4) For the purpose of affording a supply of water under subsection (2) of this section the Company may carry out all such works and do all such things as are necessary for that purpose.

(5) The proving owner shall grant to the Company without payment all such easements and facilities as he lawfully can and as may be necessary for or in connection with the execution of the works required to enable the Company to carry out their obligations to him under this section.

(6) The Company may (if they think fit) in lieu of affording a supply of water equal to the diminution of the supply or the supply which shall have ceased as aforesaid obtainable from any protected well deepen that well or make such borings therein or headings therefrom or carry out such other works as will increase the supply therefrom so as to make good the said diminution or cesser and the proving owner shall without payment grant to the Company such easements and

A.D. 1936. — facilities as he lawfully can and as may be necessary for or in connection with the carrying out of such deepening borings headings or other works and if any such deepening borings headings or other works increase the cost of obtaining or continuing to obtain such supply the Company shall pay to the proving owner the amount of such increase.

(7) The Company may (if they think fit) in lieu of affording a supply of water equal to the diminution of the supply or the supply which shall have ceased as aforesaid make compensation in money to any proving owner for the loss and damage sustained by him by reason of such diminution or cesser of supply.

(8) (a) The Company shall make like compensation to the owner of any protected well to whom they are under obligation to afford a supply of water under the foregoing provisions of this section for any loss or damage sustained by him by reason of such diminution or cesser of supply as aforesaid prior to the Company having—

- (i) afforded a supply under subsection (2) of this section; or
- (ii) made good the said diminution or cesser under subsection (6) of this section; or
- (iii) made compensation therefor under subsection (7) of this section.

(b) If it shall come to the knowledge of the owner of any protected well that the supply of water obtainable from that well is being diminished he shall forthwith give notice in writing to the Company of such diminution and if he shall fail to give such notice the Company shall not be liable to make any compensation to that owner under this subsection in respect of that well.

(9) The Company shall make like compensation to the proving owner for any loss or damage sustained by him by reason of the exercise of the powers of carrying out works conferred on the Company by subsection (4) or subsection (6) of this section.

(10) The amount of any compensation to be made under the last three preceding subsections shall be settled in case of difference by arbitration as hereinafter provided.



(11) (a) The Company shall before commencing to pump water at the authorised work provide at that work and shall at all times thereafter maintain in an efficient state of repair a suitable meter for automatically measuring and recording the quantity of water pumped at that work and a suitable instrument for recording the level of water at that work and all water pumped at that work shall pass through that meter. That work and the meter and instrument thereat and the records thereof shall at all reasonable times be open to the inspection of the owner of any protected well or any person duly authorised in writing by him and such owner or person as aforesaid may take copies of the said records. A.D. 1936.

(b) The owner of any protected well shall if so required by the Company at any time after the passing of this Act provide at that well and at all times thereafter maintain in an efficient state of repair a suitable meter for automatically measuring and recording the quantity of water pumped at that well and a suitable instrument for recording the level of water in that well and all water pumped at that well shall pass through that meter. The Company shall repay to the owner any expense reasonably incurred by him in complying with any requirement of the Company under this paragraph. Any meter and instrument provided by the owner pursuant to this paragraph and the records thereof shall at all reasonable times be open to the inspection of any officer of or person duly authorised in writing by the Company and such officer or person may take copies of the said records.

(12) In any case in which the Company shall be under an obligation to afford a supply of water under subsection (2) of this section in respect of any protected well the obligation to afford that supply shall be for the benefit of the person from time to time occupying the property in which that well is situate.

(13) Any question which may arise between the Company and the owner of any protected well as to the quantity time place or manner of any supply to be afforded by the Company pursuant to this section and any other question dispute or difference which may arise between the Company and the owner of any protected well under the foregoing provisions of this section shall be referred to the arbitration of a single

A.D. 1936. — arbitrator appointed (unless otherwise agreed) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 and 1934 shall apply to any such arbitration.

(14) The Company and the owner of any protected well may enter into and fulfil agreements with reference to the supply of water by the Company to that owner or with reference to any matter referred to in this section and may by any such agreement alter or modify any of the provisions of this section so far as they relate to that owner.

#### FINANCIAL PROVISIONS.

Additional capital. **36.** The Company may from time to time raise additional capital not exceeding in the whole (after taking into account premiums and discounts (if any) which may be obtained or allowed respectively on the issue thereof) the sum of five hundred thousand pounds by the creation and issue of ordinary and preference shares and stock or by any of those modes Provided that the Company shall not under the powers of this Act issue any share of less nominal value than ten pounds.

Application of sections of Act of 1928. **37.** The following sections of the Act of 1928 shall extend and apply to any shares or stock created or issued under the powers of this Act as though those sections with any necessary modifications were re-enacted in this Act:—

Section 35 (Incidents of new capital);

Section 36 (Dividends on additional capital limited);

Section 38 (Restrictions as to votes in respect of preference capital).

Additional borrowing powers. **38.—**(1) The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount of the additional capital which at the time of borrowing has been raised under the powers of this Act including the premiums (if any) realised on the sale thereof.

(2) No sum shall be borrowed under or in pursuance of this section until the Company have proved

to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the capital in respect of which such sum is borrowed and the premiums (if any) realised on the sale thereof have been fully paid up. A.D. 1936.

**39.** The Company may create and issue debenture stock subject to the provisions of section 33 (Power to create debenture stock) of the Order of 1917. Power to create debenture stock.

**40.** 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 in the whole. Appointment of receiver.

**41.—(1)** In this section unless the context otherwise requires— Redeemable preference capital and debenture stock.

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

“ Issue ” includes re-issue;

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

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

(2) Subject to the provisions of this section the Company may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the passing of this Act and any redeemed stock. Provided that no redeemed stock shall be issued except for the purposes of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of a general meeting of the Company.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay

A.D. 1936. — off or of providing stock in substitution for any redeemable stock the Company may create new stock or the Company may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit  
Provided that—

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

(b) during such interval as aforesaid the amount raised by means of any preference stock so created or issued shall not be deemed to be paid-up capital for the purpose of any enactment regulating the borrowing powers of the Company.

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

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the Company may before the issue thereof determine  
Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Company of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

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

[26 GEO. 5. & *Rickmansworth and* [Ch. lvi.]  
1 EDW. 8.] *Uxbridge Valley Water Act, 1936.*

(7) Any preference stock issued solely in substitution for redeemable stock shall not be subject to the provisions of section 39 (New shares or stock to be sold by auction or tender) of the Act of 1928. A.D. 1936.  
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42. All moneys raised or to be raised by the Company on mortgage or by the issue of debenture stock under the powers of the existing Acts and Orders or this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act 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 mortgages and debenture stock over other debts.

43. All moneys raised under this Act including premiums (after deducting from such moneys the expenses of and incidental to the issue of shares or stock or debenture stock under the provisions of this Act) shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of such shares or stock shall not be considered as part of the capital of the Company entitled to dividend. Application of money.

#### ADMINISTRATIVE PROVISIONS.

44.—(1) The number of the directors of the Company shall be five Provided that the Company may from time to time vary the number of directors between a minimum of three and a maximum of five. As to directors.

(2) The qualification of a director shall be the possession in his own right of ordinary shares or stock in the capital of the Company of a total nominal amount of not less than five hundred pounds.

(3) If any director shall devote to the business of the Company either his whole time and attention or more of his time and attention than in the opinion of the directors would usually be so devoted by a person

A.D. 1936. holding such office or shall undertake or perform any duties or services other than those which in the opinion of the directors would usually be undertaken or performed by a person holding such office or shall be called upon to perform and shall perform extra services for any of the purposes of the Company then and in any of such cases the directors may remunerate the director so doing either by a fixed sum annual or otherwise or in such other manner as shall be determined by the directors and such remuneration may at the discretion of the directors be either in addition to or in substitution for all or any part of any other remuneration to which such director may be entitled Provided that the amount of such remuneration shall be disclosed in the next annual report of the directors or in the next annual accounts of the Company.

(4) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or any other Act or Order relating to the Company no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that—

(a) If a director is or becomes 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 declared by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment; and

(b) No director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

For the purposes of proviso (a) to this subsection a general notice given to the directors by one of them to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may after the date of the notice be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made. A.D. 1936.

**45.** If any auditor of the Company die or resign the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting. Auditors.

**46.** Section 55 (As to appointment of proxies) of the Act of 1928 shall have effect as if the words "or if the instrument has been deposited in the central office of the Supreme Court of Judicature an office copy thereof" were inserted in the proviso to that section after the words "the instrument appointing the attorney." Appointment of proxies.

#### MISCELLANEOUS.

**47.** Section 25 (As to register of meter) of the Act of 1928 shall have effect as if the words "if a surcharge" were inserted in subsection (2) thereof after the words "as the case may be and". Amendment of section 25 of Act of 1928.

**48.** The following sections of the existing Acts and Orders are hereby repealed:— Repeal.

Act of 1884—

- Section 20 (Number of directors);
- Section 21 (Qualification of directors);
- Section 43 (Water for other than domestic purposes to be supplied by agreement);
- Section 58 (Regulations for preventing waste of water &c.);
- Section 59 (Confirmation of regulations);
- Section 60 (Regulations subject to provisions of Public Health Act 1875);
- Section 61 (Publication of regulations);
- Section 62 (Evidence of regulations);
- Section 66 (Company not bound to supply several houses by one pipe).

A.D. 1936.

Act of 1885—

Section 19 (As to priority of mortgages and debenture stock).

Act of 1900—

Section 23 (Dividend on different classes of shares or stock to be paid proportionately);

Section 28 (Priority of money raised on mortgage or debenture stock over certain other claims).

Order of 1917—

Section 11 (Power to lay pipes in streets not dedicated to public use);

Section 28 (Dividend on different classes of shares or stock to be paid proportionately);

Section 29 (New capital to be sold by auction or tender);

Section 34 (Priority of money raised on mortgage or debenture stock over other debts).

Act of 1928—

Section 23 (As to provision of separate pipe);

Section 33 (Retention and disposal of lands);

Section 43 (Priority of mortgages over other debts);

Section 45 (Appointment of receiver);

Section 51 (Redeemable preference shares or stock and debenture stock).

Costs of Act.

**49.** All costs charges and expenses of and incidental 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.

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