CHAPTER xvi.

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An Act to authorize the Brymbo Water Company to construct additional Waterworks in the counties of Denbigh and Flint; and for other purposes.

[16th May 1888.]

WHEREAS by the Brymbo Water Act 1869 the Brymbo Water Company (in this Act called "the Company") were incorporated and were authorized to make and maintain waterworks and other works and conveniences connected therewith for the supply of water to Brymbo and places adjacent in the county of Denbigh and were authorized to raise twenty thousand pounds by shares and five thousand pounds by borrowing; which sums respectively have been fully paid up and the Company are now due and owing upon open account various sums of money which have been from time to time borrowed and applied in the execution of works for distributing a supply of water to various places within the Company's limits:

And whereas it is expedient that the Company should be authorized to make and maintain the additional works in this Act described and to raise further moneys for that purpose for payment of the sums of money so due and owing by them as aforesaid and also for the general purposes of the Company's undertaking:

And whereas plans and sections of the works by this Act authorized showing the lines and levels thereof and books of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands to be taken under the powers of this Act were duly deposited with the several clerks of the peace for the counties of Flint and Denbigh and are in this Act referred to as "the deposited plans sections and books of reference":

And whereas it is expedient that such further powers should be granted to the Company and that such further provisions should be made with respect to the Company and their undertaking as are hereinafter expressed and contained:

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

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

Short title.

1. This Act may be cited for all purposes as the Brymbo Water Act 1888.

Incorporation of general Acts.

2. The provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares:

The transfer or transmission of shares:

The payment of subscriptions and the means of enforcing the payment of calls:

The forfeiture of shares for non-payment of calls:

The remedies of creditors of the Company against the shareholders:

The borrowing of money by the Company on mortgage or bond:

The conversion of borrowed money into capital:

The consolidation of the shares into stock:

The general meetings of the Company and the exercise of the right of voting by the shareholders:

The making of dividends:

The giving of notices: and

The provision to be made for affording access to the special Act by all parties interested:

and Part I (relating to cancellation and surrender of shares) and Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 the Waterworks Clauses Acts 1847 and 1863 (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied by this Act) incorporated with and form part of this Act The provisions herewith incorporated of the last-mentioned Act shall apply but shall apply only to the reservoir by this Act authorized and in construing those provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the said reservoir and the boundaries thereof.

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Power for Company to make works shown on deposited plans and sections.

3. Subject to the provisions of this Act the Company may make and maintain in the situation and according to the lines and levels shown upon the deposited plans and sections the several works shown on those plans and sections and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose:

1. An aqueduct conduit or line of pipes (hereinafter referred to as "Work No. 1") commencing in the parish of Llanarmon in the county of Flint at the south-east corner of the lake called Llyncyfynwy and terminating in the parish of Llandegla in the county of Denbigh on the western side of the Nantyffrith Reservoir of the Company at a point therein eighty yards or thereabouts measured in a south-westerly direction from the north-west corner of that reservoir:

2. A reservoir (hereinafter referred to as "Work No. 2") wholly situate in the parish of Llandegla in the county of Denbigh to be formed by means of an embankment across a stream called or known by the name of the Pen Dinas Stream commencing at a point in the centre of the said stream thirty chains or thereabouts measured due south from the south side of the building in an enclosure numbered 112 on the Ordnance map on the scale of twenty-five inches to the mile and in the book of reference thereto as to the township of Trefydd Bychain in the parish of Llandegla such embankment thence proceeding in an easterly direction and also in a westerly direction across the said stream for a distance of eighty yards or thereabouts on each side of the said point of commencement and there terminating:

3. An aqueduct conduit or line of pipes (hereinafter referred to as "Work No. 3") wholly situate in the said parish of Llandegla commencing in the reservoir above referred to as "Work No. 2" and terminating in the Nantyffrith Reservoir of the Company at a point on the west side thereof seventy yards or thereabouts measured in a north-easterly direction from the south-west corner of the said reservoir:

4. An aqueduct conduit or line of pipes (hereinafter referred to as "Work No. 4") wholly situate in the parish of Llandegla commencing at a point on Cyrn-y-Brain Mountain eight hundred and sixty-six yards or thereabouts measured in a due south direction from the east side of Hafod Bilston Farm-house and terminating in the intended reservoir above described as "Work No. 2" on the western side thereof:

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which said several works will be made or will pass from through or into the parishes townships or places following or some of them (that is to say) Llandegla Minera Llanarmon Brymbo Wrexham Trefydd Bychain in the county of Denbigh and Llanarmon and Uwchymynydd Uchaf in the county of Flint.

Power to make incidental works.

4. The Company may upon lands acquired by or belonging to them from time to time make and maintain all necessary and convenient approaches embankments roads ways tunnels adits wells tanks filtering beds dams sluices outfalls channels conduits drains pipes engines works and conveniences for obtaining collecting filtering storing and distributing water but nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them in the exercise of the powers of this section.

Lateral and vertical deviations.

5. Subject to the other provisions of this Act in executing the works shown on the deposited plans the Company may deviate laterally from the lines thereof to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that the Company shall not in the exercise of the powers of lateral deviation hereby conferred upon them construct any embankment by this Act authorized of greater height above the general surface of the ground than the height thereof shown on the deposited sections.

Power to impound waters.

6. The Company may take impound collect appropriate divert use supply and distribute the waters of the said lake called Llyncyfynwy and also all tributaries brooks rivulets water-courses and springs which flow into the said lake at and above the proposed point of abstraction and also all waters of springs situate in or under or which will be intercepted by the reservoir (Work No. 2) and by the aqueducts conduits or lines of pipes by this Act authorized and called Works No. 1 No. 3 and No. 4 respectively or some of them and of any brooks springs and streams shown on the deposited plans or on in under or near the site of or which can or may be intercepted by means of the said works and on in and under the lands to be taken for the purposes thereof and they may for such purposes purchase or take on lease or take grants or easements of water rights in and over the lands of Sir Herbert Lloyd Watkin Williams Wynn Baronet and of Sir William Grenville Williams Baronet or of any other landowner within the parishes of Llanarmon Brymbo Llandegla Minera and Wrexham in the counties of Denbigh and Flint.

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Reserving sporting rights upon and over Lake Llyncyfynwy.

7. Provided always that in any grant to be taken by the Company under the powers of this Act of the waters of the said lake called Llyncyfynwy the sole and exclusive right of fishing fowling shooting sporting and boating in and upon the said lake with power to carry away and appropriate all such fish game and fowl as may be there taken or killed with all necessary powers for preventing trespass in shooting fowling and fishing shall unless with the consent of Sir William Grenville Williams or other the owner for the time being of the said lake and of the land covered by the same be reserved to such owner his heirs and successors.

Compensation water.

8. The Company shall from and after the completion of Works Nos. 2 and 4 (described on the deposited plans as Work No. 5) or either of them deliver into the Pen Dinas Brook at a point at or above the bridge spanning the River Alyn at Penystryt as compensation water a regular and continuous supply of water which shall never be less than one hundred and twenty-five thousand gallons during every successive period of twenty-four hours.

Gauges.

9. The Company shall make and maintain as part of the works and conveniences by this Act authorized a gauge or gauges and other apparatus proper and sufficient for regulating and testing the delivery of the said quantity of water from their authorized works into the Pen Dinas Brook and all persons interested in the delivery of such water and the owners lessees and occupiers of mills and works using the water flowing down the River Alyn shall be entitled by themselves and their agents at all reasonable times freely to have access to and to inspect and ascertain the working and the state of repair and condition and the propriety and sufficiency of the gauge or gauges and apparatus and to take an account of the quantity of water flowing therefrom into the River Alyn.

Penalty.

10. In case the Company shall unless prevented by unavoidable cause beyond their control omit or fail to deliver into the Pen Dinas Brook the minimum quantity of compensation water by this Act required to be so delivered the Company shall be liable to a penalty of five pounds a day for every day on which such omission or failure shall occur such penalty to be recoverable with costs summarily by the party or parties interested in the delivery of such water or by the owners lessees or occupiers of any mills or works using the water flowing down the River Alyn before two justices of the county of Flint or the county of Denbigh as the case may be in manner provided by the Summary Jurisdiction Acts and any Act or Acts amending the same and to be payable to such party interested or to such owner lessee or occupier as aforesaid.

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Repair of gauges.

11. If and whenever the said gauge or gauges and apparatus shall be in any respect in bad repair order or condition and shall not be put into good repair order and condition by the Company within twenty-one days after notice in writing requiring them so to do given to them by or on behalf of the owners lessees or occupiers of any such mills or works as aforesaid or any or either of them such owners lessees and occupiers or any or either of them may put the said gauge or gauges and apparatus into good order repair and condition and recover from the Company the expense thereof with costs of suit or action in any court of competent jurisdiction.

Power to acquire additional lands.

12. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorized to acquire the Company may purchase by agreement or compulsion certain lands delineated on the deposited plans and described in the deposited books of reference in the township of Brymbo in the parish of Wrexham in the county of Denbigh and numbered on the deposited plans 283 284 285 287 288 288A 289 290 292 and 293 for the purposes of the works hereby authorized and for the general purposes of the undertaking of the Company.

Power to take lands by agreement.

13. The Company may from time to time for the purposes of their undertaking purchase by agreement in addition to lands which they are by the recited Act authorized to purchase by agreement any lands not exceeding in the whole three acres.

No houses or buildings to be erected by Company except for purposes of their works.

14. No houses or buildings shall be erected upon any lands acquired by the Company under either of the two preceding sections except such houses or buildings as may from time to time be required for the purposes of the Company's waterworks.

Restriction on displacing persons of labouring class.

15. The Company shall not under the powers by this Act granted without the consent of the Local Government Board purchase or acquire by compulsion or agreement in any borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

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

a week and the families of any of such persons who may be residing with them.

Power to grant easements.

16. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easements or rights (not being an easement or right of water) required for the purposes of this Act in over or affecting any lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements and rights as aforesaid respectively.

Powers for compulsory purchase limited.

17. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

18. The works shown on the deposited plans and by this Act authorized shall be completed within seven years after the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for making the respective works or otherwise in relation thereto shall cease to be exercised except as to so much of the respective works as is then completed but nothing herein contained shall restrict the Company from extending enlarging altering or renewing any of their machinery mains or pipes cuts adits or other incidental works from time to time as occasion requires for supplying water within the Company's limits.

Power for Company to raise further capital.

19. The Company from time to time may (subject to the provisions of Part II of the Companies Clauses Act 1863) raise any additional capital not exceeding in the whole fifteen thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Incidents of shares or stock.

20. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital:

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

Dividends on new shares or stock.

21. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

22. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act may be of same class.

23. Subject to the provisions of any Act already passed by which the Company are authorized to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorized to raise by the creation and issue of new shares or stock.

New shares or stock to be offered by auction or tender.

24. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner And provided that no priority of bid or tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase money of capital sold by auction to be paid within three months.

25. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale &c. of shares or stock.

26. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Wrexham and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

Shares or stock not sold by auction or tender to be offered to shareholders.

27. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in the manner provided by the Companies Clauses Act 1863 with respect to new shares or stock Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act.

Application of premium arising on issue of shares or stock.

28. Any sum of money which shall arise from the issue of any such shares or stock 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 in extending or improving the works of the Company or in cancelling debenture stock or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow.

29. The Company may from time to time borrow on mortgage of their Undertaking additional sums not exceeding in the whole three thousand seven hundred and fifty pounds in respect of the additional capital of fifteen thousand pounds by this Act authorized to be raised Provided that in respect of each seven thousand five hundred pounds of such additional capital issued and accepted and one-half whereof shall have been paid up the Company may borrow a sum or sums not exceeding one thousand eight hundred and seventy-five pounds But no part of either of the before-mentioned sums of one thousand eight hundred and seventy-five pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to

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be exercised as is to be raised by means of shares are issued and accepted and one-half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one-half of such portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Rate of dividend on new shares or stock.

30. The prescribed rate of dividend on any new ordinary shares or stock created under the powers of this Act shall not exceed seven pounds per centum per annum and the prescribed rate of dividend on any new preference shares or stock created under the powers of this Act shall not exceed five pounds per centum per annum on the amounts actually paid up in each case.

Dividends on new shares or stock.

31. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

For appointment of a receiver.

32. Every provision in any Act passed before the passing of this Act whereby the Company is authorized to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision The mortgagees of the undertaking may enforce payment of arrears of interest or

principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorize the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

33. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created or issued or granted by the Company under any previous Act or this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorized) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be indorsed on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

34. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

As to priority of mortgages and debenture stock.

35. All money raised or to be raised by the Company on mortgage or bond or debenture stock under the provisions of any former Act relating to the Company or under 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 always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock Nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's Undertaking

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and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys raised under this Act.

36. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for purposes only of this Act or of the recited Act to which capital is properly applicable and in the payment of debts incurred by and now due and owing by the Company to which capital would have been properly applicable.

Water for other than domestic purposes.

37. The Company may within the limits of the Brymbo Water Act 1869 supply any company or person with water for other than domestic purposes on such terms as such company or person and the Company may agree on but notwithstanding any such agreement no such company or person shall be entitled to such a supply whenever and as long as the same would interfere with or unduly diminish the proper supply of water for domestic purposes under this Act:

Provided always that notwithstanding anything contained in the Brymbo Water Act 1869 the rate for one additional water-closet in any house beyond the first shall be any yearly sum not exceeding five shillings.

Company not bound to supply water in certain cases.

38. No person shall be entitled to require nor shall the Company be bound to supply any dwelling-house with water (otherwise than by meter or special agreement) where any part of such dwelling-house is used by the owner tenant or occupier of such dwelling-house for any trade or business purpose for which water is required.

Provision as to supply of water for a bath.

39. The supply of water for a bath provided for by section twenty-nine of the Brymbo Water Act 1869 shall be for a bath that when filled will not hold more than thirty-six gallons and the supply of water so provided shall be only for a bath in a private dwelling-house.

Power to sell or let meters.

40. The Company may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meter and fittings and for securing safe access to and the safety and return to the Company of such meter and fittings as may from time to time be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as water rates rents or charges due to the Company.

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Notice to Company of putting up meters &c.

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

Register of meter to be primâ facie evidence.

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

Repair of meters.

43. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Power to remove meters and fittings.

44. The Company after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal and every notice required by this section shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or business in Great Britain or if such person or his usual place of abode or business in Great Britain is not known to the Company after proper inquiry then by being affixed on some conspicuous part of such building or lands.

Power for Company to supply materials &c.

45. The Company may furnish to any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water and may from time to

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time renew repair or alter any meters cisterns pipes valves ferrules cocks baths soilpans and water-closets apparatus receptacles fittings and appliances in connection with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Company not bound to supply several houses by one pipe.

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

Where several houses supplied by one pipe each to pay.

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

Supply of water to tenements in a row.

48. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water and every person so taking or using water or allowing the same to be used contrary to the provisions of this Act shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Regulations for preventing waste of water.

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

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

(2) No such regulations shall be of any force or effect except within the district which the Company is bound to supply and does in fact supply or is prepared to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :

(3) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit :

(4) A copy of all such regulations in force for the time being shall be kept at the office of the Company and all persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding two pence for each copy :

(5) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof :

(6) In case of failure of any person to observe such regulations as are for the time being in force the Company may if they think fit after forty-eight hours' notice in writing enter and by and under the direction of their duly authorized officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable :

(7) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction

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thereof and the Company may in addition thereto recover the amount of any damages sustained by them :

Disputes to be determined by justices.

(8) In the event of any dispute between the Company and any person as to the fact or extent of any alleged non-compliance with any such regulations such dispute shall be referred to the determination of two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and as to the persons by whom such costs are to be paid shall be final and conclusive.

Representation of the Company in bankruptcy &c.

50. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement with creditors the secretary of the Company or any person appointed in his behalf by any two of the directors in writing may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim of such secretary or person and not of the Company.

Form and service of notices by Company.

51. Any notice to be served on a person supplied with water may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Incoming tenant not liable for arrears.

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

Notice of discontinuance.

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

Liability to water rent not to disqualify justices &c.

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

Penalties not cumulative.

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

Application of penalties.

56. Every penalty imposed by this Act or any Act incorporated herewith shall (except when otherwise expressly provided and except when the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Saving rights of the Crown.

57. Nothing contained in this Act shall as between Her Majesty and the Company be held or deemed to estop or to have estopped or to prevent or prohibit the Commissioners of Woods their grantee or grantees from exercising any rights which they may now possess or but for the passing of this Act would or might have possessed of taking and using from time to time and at all times an adequate and sufficient supply of water from the said lake called Llyncyfynwy and from the said stream called or known by the name of the Pen Dinas Stream or the brooks springs streams and waters feeding or running into or issuing from the said lake or stream for the purpose of working or developing any minerals vested in Her Majesty or render the Crown liable to any claim for damage or otherwise from or in consequence of any diminution in the quantity or supply of the water in the said lake or in the said stream or the brooks springs streams and waters feeding or running into or issuing from the said lake or stream or otherwise in consequence of the exercise of any such rights as aforesaid incidental to the working by Her Majesty or such grantee or grantees as aforesaid of such minerals.

Expenses of Act.

58. 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.

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