CHAPTER xcii.

An Act for supplying with Water the Parish of Church Stretton in the County of Salop. [13th July 1899.]

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WHEREAS the parish of Church Stretton in the county of Salop is at present inadequately supplied with water:

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

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and the lands which may be taken for the purposes thereof and also a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Salop and are herein-after respectively referred to as the deposited plans sections and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 Church Stretton Water Act 1899.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers

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of this Act) are hereby incorporated with this Act namely The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of the borrowed money into capital) Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the former Act "with the consent in writing " of the owner or reputed owner of any such house or of the agent " of such owner").

Interpretation.

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

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

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

Company incorporated.

4. George Henry Dorrell George Edwyn Hill-Trevor and George John Scott and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the waterworks and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Church Stretton Waterworks Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Limits of Act.

5. The limits of this Act for the supply of water shall be the parish of Church Stretton in the county of Salop.

General purposes of Company.

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

Capital.

7. The capital of the Company shall be twenty thousand pounds in two thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

8. Except as otherwise expressly provided by this Act the Company shall not issue any share created under the authority of

this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Power to borrow.

9. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole one-fourth part of the amount of the capital by this Act authorised and at the time of such borrowing actually issued by shares but no part thereof shall be borrowed until the whole of the shares at the time issued shall have been fully paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that such shares have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof Provided that the Company shall not exercise their power to borrow until one-third of the share capital by this Act authorised has been issued and fully paid up.

Calls.

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

For appointment of a receiver.

11. 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 one thousand pounds in the whole.

Receipt in case of persons not sui juris.

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

Debenture stock.

13. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock.

14. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on the

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debenture stock created and issued 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 debts incurred or engagements entered into by the Company after the passing of this Act But this priority shall not affect any claim against the Company in respect of any rentcharge granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or for land taken used or occupied by the Company for the purposes of their undertaking or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

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

First ordinary meeting.

16. The first ordinary meeting of the Company shall be held within four months after the passing of this Act.

Number of directors.

17. The number of directors shall be five but the Company may from time to time increase or reduce the number provided that the number be not more than seven or less than three.

Qualification of directors.

18. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

19. The quorum of a meeting of directors shall be three.

First directors.

20. George Henry Dorrell George Edwyn Hill-Trevor and George John Scott and any two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having

Election of directors.

resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Auditors need not hold shares.

21. It shall not be necessary for auditors appointed by the Company to hold shares in the capital of the Company.

Directors not to be disqualified by being members of county or other councils.

22. No person shall be disqualified as a director by being a member of any county urban or rural district council within the limits of this Act or justice of the peace for the division within which the works may be situate.

Power to make works.

23. Subject to the provisions of this Act the Company may wholly in the county of Salop and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

(1) A reservoir (No. 1) to be formed by means of an embankment across the brook or stream which flows through New Pool Hollow into the Carding Mill stream at a point 477 yards or thereabouts from and above the point where the first-mentioned stream flows into the said Carding Mill stream:

(2) An intake tank or reservoir (No. 2) to be situated on the southern bank of the Carding Mill stream at a point 747 yards or thereabouts measured in a westerly direction from the point of confluence of the said streams:

(3) An aqueduct conduit or line of pipes (No. 1) commencing at and out of the said intake tank and terminating in the said reservoir (No. 1) on the northern side thereof at a point 33 yards or thereabouts from the centre of the said proposed embankment:

(4) An aqueduct conduit or line of pipes (No. 2) commencing at a point on the embankment of the said reservoir (No. 1) and terminating at a point in the hamlet of Little Stretton 50 yards or thereabouts measured in a southerly direction from the centre of the bridge carrying the road leading from Church Stretton to Craven Arms over the stream known as Ashes Hollow stream:

(5) An aqueduct conduit or line of pipes (No. 3) commencing by a junction with the aqueduct conduit or line of pipes (No. 2) at a point on the road leading from Church Stretton to Shrewsbury at or near the junction of the said road with the Carding Mill Valley Road and terminating at a point on the said road leading from Church Stretton to Shrewsbury at the southern end of Mousehill Wood:

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(6) An aqueduct conduit or line of pipes (No. 4) commencing by a junction with the aqueduct conduit or line of pipes (No. 2) at or near a point where the Station Road joins the said road leading from Church Stretton to Shrewsbury and terminating at a point where the said Station Road joins Watling Street.

Power to make subsidiary works.

24. The Company in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to take waters.

25. Subject to the provisions of this Act the Company may collect impound take use divert and appropriate for the purposes of their water undertaking the waters of the stream which flows through New Pool Hollow into the Carding Mill stream and also the waters of the said Carding Mill stream and all such springs streams and waters as will or may be intercepted by the works by this Act authorised or as may be found in on or under any of the lands for the time being belonging to the Company.

As to compensation water.

26.—(1) The Company shall permit or cause to flow in a continuous flow into the Carding Mill stream sixty-two thousand five hundred gallons of water in every twenty-four hours.

(2) The Company shall construct and for ever after maintain suitable measuring gauges over or through which the said compensation water shall flow and the same shall be open to the inspection and examination of the Board of Conservators of the Severn Fishery District and all persons interested therein.

(3) In case of any neglect on the part of the Company to maintain any such gauges in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Company shall for every day on which such neglect occurs forfeit and pay to the Board of Conservators of the Severn Fishery District and each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such board and occupiers or any of them.

(4) The provisions of this section shall be accepted and taken as full compensation for all water by this Act authorised to be diverted taken used and appropriated by the Company for the purposes of their water undertaking.

Limits of deviation.

27. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding three feet upwards and ten feet downwards Provided as follows (that is to say) :—

The Company shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition :

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

For protection of Great Western and London and North Western Railway Companies.

28. For the protection of the Great Western Railway Company and of the London and North Western Railway Company (who are together in this section herein-after referred to as "the two companies") the following provisions shall apply :—

(a) The aqueduct or line of pipes No. 4 by this Act authorised so far as the same shall be constructed over the bridge which carries the public road over the Shrewsbury and Hereford Railway where it adjoins the Church Stretton Station of the two companies and for twenty feet on each side thereof shall be constructed according to plans and sections and of such materials and dimensions as shall be reasonably approved by an engineer to be appointed by the two companies and shall not be deviated from the line or levels shown upon the deposited plans and sections without the consent of such engineer :

(b) In laying down altering improving enlarging extending maintaining or renewing or in executing the repairs or renewals of any mains pipes or other works within the limits of this Act upon across over under or adjoining or in any way affecting the railway lands and property now or hereafter belonging to or used or occupied by the two companies or the bridges

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approaches viaducts stations or other works or any level crossings over the railway of the two companies the same shall be done under the superintendence and to the reasonable satisfaction of the said engineer and only in accordance with plans previously submitted to and reasonably approved by him in writing:

(c) All such works shall be done by and at the expense of the Company (except as in this section otherwise provided) who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the two companies or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company Provided always that should the two companies elect so to do where any mains or pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the cost charges and expenses of the Company:

(d) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railway bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:

(e) If any injury damages or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any such mains pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the two companies the Company shall forthwith make good such injury or damage at their expense and to the reasonable satisfaction of the said engineer and in the event of their failing so to do or in case of emergency the two companies may make good the same and recover the reasonable cost thereof from the Company by all and the same means as any simple contract debt is recoverable and the Company shall also make good and repay to the two companies any loss damage or expenses which they may sustain or be put to by reason of the construction or failure of any of the said pipes or works:

(f) If the two companies at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railway or to alter or repair

their railway bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the two companies may on giving to the Company fourteen days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Company across over or under their lands railway bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage or interruption to the water supply as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works:

(g) Except as in this section otherwise provided any dispute or difference which may arise between the two companies and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the Board of Trade on the application of the two companies and the Company or either of them.

Power to agree as to drainage of lands &c.

29. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and works by this Act authorised with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Period for compulsory purchase of lands.

30. 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.

31. The works hereby authorised shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed Provided always that subject to the restrictions and provisions of this Act the Company may from time to time alter renew enlarge and extend their engines machinery tanks wells shafts adits pipes and other

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works in such way and manner as they may think requisite or advisable for supplying water within the limits of this Act.

Power to owners to grant easements &c.

32. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Purchase of lands by agreement.

33. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purpose of preventing the fouling of the water of any spring or stream directly or indirectly connected with the water supply of the Company and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole ten acres in extent or any easement (not being an easement or right of water in which persons other than the grantors have an interest) in over or under any such lands Provided that the Company shall not upon any such lands create or permit any nuisance and that no buildings shall be erected on such lands except such as are required for or are connected with the purposes of the Company's waterworks.

Restriction on taking houses of labouring class.

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

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

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

Constant pressure.

35. Water supplied under this Act need not be supplied in any case at a level above that at which water can be supplied by gravitation from the reservoir by this Act authorised.

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

36. The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding seven pounds per centum per annum of the rateable value of the premises supplied:

Provided as follows:—

Owners compounding for the payment of rates in respect of a supply for domestic purposes to three or more houses of a rateable value not exceeding nine pounds for each house whether occupied or not shall be allowed an abatement of twenty per centum on the rates hereby prescribed:

When the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of a dispute to be determined by two justices:

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

Rates for watercloseets and baths.

37. In addition to the foregoing charges the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Company may think fit such additional sum to be paid

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quarterly in advance and to be recoverable in all respects with and as the water rate.

Rate payable by owners for small houses.

38. The provisions of section 72 of the Waterworks Clauses Act 1847 shall extend to all dwelling-houses or parts of dwelling-houses occupied as separate tenements and let for any period less than a quarter of a year.

Supply to houses partly used for trade &c.

39. The Company shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Company not bound to supply several houses by one pipe.

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

Notice of discontinuance.

41. 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 signed by or on behalf of the consumer and be left at or sent by post to the office of the Company.

Byelaws for preventing waste &c. of water.

42.—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion 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.

(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 and the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws so made as if the Company were a local authority within the meaning of that Act.

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

of any such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

Supply of water for other than domestic purposes and by measure.

43. 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 measure 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 always 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 Provided also that the price to be charged for a supply by measure shall not exceed one shilling and sixpence per thousand gallons.

Power to sell or let meters &c.

44. The Company may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Company to let for hire any water fittings to any person supplied by them with water.

Notice to Company of connecting or disconnecting meters.

45. Before any person connects or disconnects any meter by means of 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 and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring meters &c.

46. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained:

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for

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measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or other instrument for measuring water of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the board when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to supply materials.

47. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations 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.

Contracts for supplying water in bulk.

48. The Company may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of the local authority of or of any company or person supplying water under parliamentary authority within the district to be supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

Power to local authority &c. to supply water in case Company fails to supply.

49. If at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or part of such

district in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in the whole or any part of such district not sufficiently supplied by the Company as if in either case this Act had not passed.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Incoming tenant not liable for arrears of former tenant.

50. In case any consumer of water supplied by the Company leave the premises where such water has been supplied to him without paying to them the water rate or meter rate due from him the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

For protection of rural district council and certain water companies.

51. The Company shall purchase from the Church Stretton Waterworks Company Limited and the Little Stretton Waterworks Company Limited (in this section called "the limited companies") and those companies respectively shall sell to the Company the respective undertakings and works of the limited companies on such terms and for such considerations as may be agreed upon or as failing agreement shall be determined in the manner provided by the Lands Clauses Acts and in determining the prices or considerations to be paid the said undertakings and works shall be treated as going concerns and the Company shall within two years from the passing of this Act give notice to the limited companies respectively of their intention to purchase the said undertakings and works and in construing those Acts for the purposes of this section the expression "lands" shall be deemed to include the said undertakings and works respectively On any such notice being given by the Company any liability incurred by the Church Stretton Rural District Council prior to the twenty-sixth day of April one thousand eight hundred and ninety-nine to purchase the undertaking and works of the limited company to whom the notice is given shall cease and determine but without prejudice to any other arrangements which have been made between the said rural district council and the limited companies with respect to their joint opposition to the Bill for this Act On the completion of any purchase under this section the undertaking and works purchased shall form part of the undertaking and works of the Company.

Power to local authorities to

52.—(1) If the Church Stretton Rural District Council or the council of any district within the limits of supply which shall have

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purchase undertaking.

been constituted an urban district or the said councils jointly shall at any time within ten years after the expiration of twelve months from the time when the Company commence to supply water by means of the works to be constructed under the authority of this Act introduce a Bill into Parliament and bonâ fide promote the same to empower them inter alia to purchase the entire undertaking and works of the Company the Company shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of clauses to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit And if the said councils or either of them obtain an Act authorising such purchase and give a written notice of their intention to purchase within six months of the passing of such Act the Company shall at the expiration of such six months sell and transfer and the council or councils so authorised as aforesaid shall purchase and acquire the undertaking property rights powers and privileges of the Company subject to all the then existing mortgages obligations and liabilities of the undertaking.

(2) Any such sale and purchase shall be for such price or consideration and on such terms and conditions as may be agreed upon between the Company and the council or councils so authorised as aforesaid or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the council or councils so authorised as aforesaid and the expression "lands" shall mean the undertaking of the Company Provided that in addition to the sum to be paid by the council or councils to the Company under the foregoing provisions of this section the council or councils shall pay to the Company the actual costs of obtaining this Act and the costs of and incidental to the winding up of the Company.

Costs of Act.

53. 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.

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