CHAPTER cxxxiv.

An Act for incorporating the Cranbrook District Water Company and empowering them to construct Works and supply Water and for other purposes. [6th July 1895.] A.D. 1895.

WHEREAS the several parishes and places in the county of Kent in this Act mentioned are at present inadequately supplied with water and it is expedient that provision should be made for affording an adequate supply of pure and wholesome water thereto:

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

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas by the South Kent Water Act 1889 (in this Act called "the Act of 1889") the South Kent Water Company (in this Act called "the South Kent Company") were incorporated and were authorised to supply water in divers parishes and places in the county of Kent:

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And whereas the South Kent Company have not exercised the powers conferred upon them by the Act of 1889 so far as those powers affect the parishes mentioned in this Act:

And whereas it is expedient that the powers conferred upon the South Kent Company by the Act of 1889 so far as they relate to the parishes mentioned in this Act should be repealed:

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

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

Short title.

1. This Act may be cited as the Cranbrook District Water Act 1895.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act (namely) the Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to roads and to the temporary occupation of lands near the railway during the construction thereof Provided that the provisions of the last-mentioned Act as incorporated in this Act shall apply only to the waterworks by this Act authorised and that in construing such provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the said waterworks and the boundaries thereof and section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom.

Interpretation.

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

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

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

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

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

Company incorporated.

4. Edward Hardcastle Edward Locke Tomlin Reginald Pringle Thomas Joyce Frederick Fry Charles Finnemore and Edward James Holmes and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes herein-after mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Cranbrook District Water 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 herein-after referred to as "the limits of this Act" or "the district" shall be the parishes of Cranbrook Goudhurst and Hawkhurst in the county of Kent.

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

6. If at any time after the expiration of six years from the commencement of this Act the Company are not furnishing 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 any part of their district within the limits of supply 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 any part of such district not sufficiently supplied by the Company as if in either case there were no company authorised by this Act to supply water therein.

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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.

General purposes of the Company.

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

Capital and number and amount of shares.

8. The capital of the Company shall be fifteen thousand pounds in fifteen thousand shares of one pound each.

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

9. 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.

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

As to conversion of borrowed money into capital.

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

For appointment of a receiver.

12. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to

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

Power to create 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Receipt in case of persons not sui juris.

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

Moneys borrowed on mortgage or debenture stock to have priority.

15. All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or 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 rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

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

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First ordinary meeting.

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

Number of directors.

18. The number of directors shall be seven but the Company may from time to time reduce the number provided that the number be not less than four.

Qualification of directors.

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

Quorum of directors.

20. The quorum of a meeting of directors shall be four.

First directors.

21. Edward Hardcastle Edward Locke Tomlin Reginald Pringle Thomas Joyce Frederick Fry Charles Finnemore and Edward James Holmes 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 any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power herein-before contained for reducing the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Auditors need not hold shares.

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

Contracts not to disqualify for office of director.

23. Any contract to be made under this Act with any local authority or public body shall not disqualify any of the members of such local authority or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such local authority or public body shall vote upon any question with reference to any contract with such local authority or public body nor shall any director of the Company vote upon any question with reference to any contract between him and the Company for any loan of money to the Company.

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Power to make waterworks.

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

The waterworks herein-before referred to and authorised by this Act are situate in the parishes of Hawkhurst and Cranbrook or one of them in the county of Kent and are—

(1.) A well shaft or boring and pumping station (Work No. 1) to be situate in a field near Ockley Farm in the parish of Hawkhurst and numbered 813 on the Ordnance map scale 1-2500ths of that parish :

(2.) A service reservoir (Work No. 2) to be situate in a field near the union workhouse at Hartley in the parish of Cranbrook and numbered 1573 on the Ordnance map scale 1-2500ths of that parish :

(3.) A conduit or line of pipes (Work No. 3) commencing in Work No. 1 and terminating at the service reservoir Work No. 2 herein-before described :

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

For the protection of main roads and county bridges.

25. Any alteration repair or improvement of any of the bridges or roads repairable by the County Council of Kent or any alteration of or in the position of the same may be made as if this Act had not passed and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Act authorised to be made or placed in over or through any of the bridges or roads aforesaid or necessitates any support either temporary or permanent to any such works the Company shall after fourteen days' notice in writing by the county surveyor on behalf of the said county council forthwith make such alteration or afford such support at their own expense.

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For the protection of the Cranbrook and Paddock Wood Railway Company.

26. For the protection of the Cranbrook and Paddock Wood Railway Company (herein-after referred to as "the Cranbrook company") the following provisions shall apply and have effect (that is to say):—

(A.) In laying down altering improving enlarging extending or renewing or in executing or effecting the repairs of any mains pipes culverts or other works in the exercise of any powers conferred on the Company upon across over under or in any way affecting the railways lands and property belonging to or used or occupied by the Cranbrook company or the bridges approaches viaducts stations or other works or any level crossings over the said railways respectively the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Cranbrook company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in the event of such engineer failing to signify his approval or disapproval or to give other direction within twenty-eight days after the submission of such plans as aforesaid in such manner as shall unless otherwise agreed be determined by an engineer to be appointed by the Board of Trade on the application of either the Cranbrook company or the Company and the decision of such engineer shall be final and conclusive between both parties Provided that nothing herein contained shall authorise the Company to occupy or use permanently with their works the surface of any land or property of the Cranbrook company:

(B.) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the Cranbrook company's engineer the roads over any bridges level crossings and approaches which the Cranbrook company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company:

(C.) 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 railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon:

(D.) If any injury to such railways bridges level crossings approaches viaducts stations works lands or property of the

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Cranbrook company or interruption to the passage or conduct of traffic shall arise from or in any way be owing to any of the works operations and matters aforesaid or to the bursting leakage or failure of any such mains pipes culverts or works in under or near to any bridge or level crossing of the Cranbrook company the Company shall make compensation to the Cranbrook company in respect thereof the amount of such compensation to be determined by arbitration in the manner herein-after provided:

(E.) The Company shall acquire only such an easement across over or under any of the railways works and property of the Cranbrook company as may be necessary for constructing and maintaining any of their works and shall pay to the Cranbrook company for any such easement to be so acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act with respect to the acquisition of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands:

(F.) Any dispute or difference which may arise between the Cranbrook company and the Company with reference to the provisions of this section or in any way arising thereout or 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 Cranbrook company and the costs of such arbitration shall be in the discretion of the arbitrator.

Power to take and use springs &c.

27. Subject to the provisions of this Act the Company may from time to time alter improve enlarge extend renew or discontinue all or any of the said works and may by way of supplement to the water supply to be obtained by means of the works authorised by this Act collect take impound and use all or any of the underground springs and waters which can or may be collected or taken by means of the said well shaft boring pumping station and reservoir or which may be found in or under any of the lands to be acquired by the Company under the powers of this Act.

Limits of deviation.

28. In the construction of the works authorised by this Act and subject to the provisions thereof the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically

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from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards but not so as to alter the surface level of any road or to raise any conduit or line of pipes above the surface of the ground except so far as may be shown on the deposited sections Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground that that shown on the deposited sections and three feet in addition.

Period for compulsory purchase of lands.

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

Period for completion of works.

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

Power to owners to grant easements.

31. 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 others than the parties to the agreement 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 land by agreement.

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

Restriction on taking houses of labouring class.

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

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

Constant supply and pressure.

34. The water to be supplied by the Company shall be constantly laid on under pressure but the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken.

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

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

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence per annum;

Where such rateable valuable exceeds five pounds and does not exceed twenty pounds the rate of eight pounds per centum per annum upon such rateable value;

Where such rateable value exceeds twenty pounds and does not exceed forty pounds the rate of seven pounds ten shillings per centum per annum upon such rateable value;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds the rate of seven pounds per centum per annum upon such rateable value;

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Where such rateable value exceeds sixty pounds and does not exceed eighty pounds the rate of six pounds ten shillings per centum per annum upon such rateable value;

Where such rateable value exceeds eighty pounds the rate of six pounds per centum per annum upon such rateable value:

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

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

Rates for waterclosets and private baths.

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond the first the sum of five shillings per annum and to every bath the sum of twelve shillings per annum:

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

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

For preventing the fouling &c. of water.

36. The Company shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevented the waste undue consumption or contamination of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

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

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

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

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

Power to sell or let meters.

39. 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 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.

Notice to Company of putting up meters &c.

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

Register of meter to be primâ facie evidence.

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

Fraudulently injuring pipes meters or fittings.

42. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water supplied or fraudulently abstracts or uses water of the Company he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and

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the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter.

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 Company to supply materials.

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

Company not bound to supply several houses by one pipe.

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

Supply of water to tenements in a row.

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

Byelaws for preventing waste &c. of water.

47. For preventing waste misuse undue consumption 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 byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and

the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination:

(2.) No such byelaws shall be of any force or effect except within such part or parts of the district which the Company are for the time being under the provisions of this Act in that behalf contained bound to supply and shall in fact supply or be prepared on demand to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such byelaws shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed byelaws shall have been given by or on behalf of the Company to every sanitary authority within the limits of supply and any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient:

(3.) All such byelaws shall be subject to the provisions contained in sections 182 to 184 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the byelaws were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority:

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

(5.) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be

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proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof:

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

(7.) Any person who shall offend against any such byelaws shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to further daily penalty not exceeding forty shillings for each day or part of a day on which such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

Representation of the Company in bankruptcy &c.

48. 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 that behalf by writing under the hands of two directors 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.

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

be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Incoming tenant not liable for arrears.

50. 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.

51. 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 principal office for the time being of the Company or be sent through the post by registered letter addressed to the secretary of the Company at such office.

Contracts for supplying water for public purposes.

52. The Company may from time to time enter into and carry into effect agreements with any urban or rural sanitary authority of any district adjoining or near to the limits of supply or any company authorised to supply water under parliamentary authority within any such district for the supply by the Company to any such sanitary authority or company respectively of water in bulk and the agreements respectively may be for such periods not exceeding except with the consent of the Local Government Board seven years and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit Provided that it shall not be lawful for the Company to supply water under any such agreement beyond the limits of this Act or for other than domestic purposes within those limits if and so long as such supply shall interfere with the continuing supply of water for domestic purposes within the limits of this Act.

Liability to water rent not to disqualify justices &c.

53. 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.

Contents of summons &c.

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

Costs of distress.

55. Any justices who issue a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justices and shall be included in the warrant of distress.

A.D. 1895.

Penalties not cumulative.

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

Repeal of portion of South Kent Water Act 1889.

57. So much of the South Kent Water Act 1889 as authorises the South Kent Company to supply water within the limits of this Act is hereby repealed and from and after the passing of this Act all the powers of the South Kent Company with reference to the supply of water within such limits as aforesaid shall absolutely cease and determine and this Act shall have as full validity and effect as though the parishes mentioned in this Act had never been included within the limits within which the South Kent Company were by the Act of 1889 authorised to supply water.

Costs of Act.

58. All costs charges and expenses of and incident to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

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