CHAPTER cl.

An Act for better supplying with Water Great Driffield and the adjoining district in the east riding of the county of York. A.D. 1882.

[24th July 1882.]

WHEREAS it is expedient to increase and improve the supply of water to Great Driffield and the adjoining district in the east riding of the county of York and for that purpose to make and maintain the works herein-after described:

And whereas plans and sections describing the lines situations and levels of the intended works and the lands which may be taken for the purposes thereof and a book of reference 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 east riding of the county of York:

And whereas the persons herein-after named with others are willing at their own expense to provide such increased and improved supply and to make and maintain the said works and it is expedient that powers be conferred upon them for those purposes:

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 Driffield Water Act 1882.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 95.

2. The Companies Clauses Consolidation Act 1845 Part I (cancellation and surrender of shares) and Part III (debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 and the Waterworks Clauses Acts 1847 and 1863 are (except where

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expressly varied by this Act) incorporated with and form part of this Act.

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 the same be varied by this Act or 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 works" "the waterworks" and "the undertaking" mean respectively the waterworks and undertaking by this Act authorised and 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 common simple contract debt and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act for the supply of water shall be the parishes and townships of Great Driffield Little Driffield and Nafferton in the east riding of the county of York.

Company incorporated.

5. George James Engall Stephen Burstall Arthur Campbell Walker 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 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 Driffield 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.

Power to make works.

6. Subject to the provisions of this Act the Company may make and maintain in the lines or situations and according to the levels shown on the said deposited plans and sections the pumping station well or shaft conduits or lines of pipes service reservoir alterations deviations diversions and other works shown on the said deposited plans among which are comprised the following namely:—

(1) A well or shaft and pumping station to be constructed in the parish of Great Driffield;

(2) A covered storage or service reservoir situate in the parish of Great Driffield;

(3) A conduit or line of pipes No. 1 commencing at the said well or shaft and terminating at the said storage or service reservoir;

(4) A conduit or line of pipes No. 2 commencing in the said reservoir and terminating at Cross Trods. A.D. 1882.

Together with all proper wells shafts drifts adits engines pumps machinery buildings pipes conduits sluices stand pipes tanks embankments culverts drains approaches and other works and conveniences ancillary or subsidiary thereto or connected therewith and may enter upon take and use such of the lands described in the deposited plans and book of reference as they may require for the purposes of this Act and may take use and appropriate for the purposes of the works and undertaking of the Company all waters found in on or under any of the lands for the time being belonging to the Company.

Limits of lateral and vertical deviation.

7. In constructing the works authorised by this Act the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on the said plans and may deviate vertically from the levels shown on the deposited sections in the case of the service reservoir to any extent not exceeding two feet upwards or five feet downwards and in the case of any other work to an extent not exceeding five feet upwards or seven feet downwards Provided that when any work is to be made on any road the limits of lateral deviation if not otherwise laid down shall be the boundaries of such road Provided also that the Company shall not in the exercise of the power of lateral deviation hereby given make any embankment or wall of the reservoir of a greater height than that shown on the deposited plans with reference to the corresponding embankment or wall and two feet in addition.

Temporary occupation of lands. 8 & 9 Vict. c. 20.

8. The provisions with respect to the temporary occupation of lands near the railway during the construction thereof of the Railways Clauses Consolidation Act 1845 are hereby incorporated with this Act and shall apply only to the said service reservoir authorised by this Act and the works immediately connected therewith and for the purposes of this Act those provisions shall be read as if the service reservoir and works were therein mentioned instead of the railway and the boundaries of the service reservoir and works instead of the centre of the railway and the prescribed limit shall be one hundred yards from the nearest margin of the said service reservoir.

For protection of the North-eastern Railway Company.

9. The powers by this Act conferred upon the Company shall be exercised only subject to and in accordance with the following provisions for the protection of the North-eastern Railway Company (herein-after called the railway company):

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1. The Company may carry any main or pipe under and across the railway of the railway company where crossed by any public street on the level but the laying down and subsequent repair or reinstating of any such main or pipe and any other work of the Company over across or affecting the railway or property of the railway company shall be executed by and at the expense of the Company at such times as may be required or approved by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the railway company and in accordance with plans and specifications previously submitted to and approved by him;

2. The said mains pipes and other works shall be laid down executed maintained repaired and used so that the traffic upon the North-eastern Railway shall not be in anywise impeded;

3. If by reason or in consequence of any act or work of the Company or the laying down relaying maintenance use want of repair failure or bursting of any pipe of the Company or during the laying down or repair thereof or otherwise the railway company or their railway or any work connected therewith or the traffic thereon shall be damaged injured or impeded the Company shall forthwith at their own expense make good the same or compensate the railway company for any loss damage injury or expense they may sustain or incur thereby.

Capital.

10. The capital of the Company shall be twelve thousand pounds in twelve hundred shares of ten pounds each.

Shares not to be issued until one fifth paid up.

11. 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.

Calls.

12. 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.

Receipts for disqualified persons.

13. If any money be payable to any shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his or her estate shall be a sufficient discharge to the Company for the same.

Power to borrow.

14. The Company may from time to time borrow on mortgage any sum not exceeding in the whole three thousand pounds but no part of the said sum of three thousand pounds shall be borrowed

until the whole of the capital of twelve thousand pounds is issued and accepted and one half thereof 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 the whole of the capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and 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 his certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

15. 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 or stock 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 or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Appointment of a receiver.

16. 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 and 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 tenth of the amount borrowed in the whole.

Debenture stock.

17. 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 the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock.

18. 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.

19. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Number of directors.

21. The number of directors shall not be more than five nor less than three.

Qualification of directors.

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

Directors not to be disqualified by being commissioners under local Acts, &c.

23. No person shall be disqualified as a director by being a commissioner or a trustee under any Act of Parliament or member of any municipal corporation or local board within the limits of this Act or mortgagee of rates or justice of the peace for the division within which the works may be situate and no shareholder of the Company shall be disqualified as such commissioner trustee or member by reason of any contract between the Company and the commissioners trustees municipal corporation or local board provided always that no commissioner trustee or member who is a director or shareholder or holder of debenture stock shall act or vote at any meeting of such commissioners trustees municipal corporation or board on any question or with reference to any matter in which such director or shareholder has direct or indirect interest as a shareholder.

Quorum.

24. The quorum of a meeting of directors shall if the number of directors be five be three and if the number of directors be three the quorum shall be two.

First directors.

25. George James Engall Stephen Burstall Arthur Campbell Walker and any two other persons to be nominated by 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 resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

26. The quorum of every general meeting of the Company whether ordinary or extraordinary shall be at least five shareholders present in person or by proxy holding in the aggregate not less than one thousand pounds in the capital of the Company.

Quorum for general meetings.

27. At all meetings of the Company every holder of five shares shall be entitled to one vote and every shareholder shall have an additional vote for every five shares held by him beyond the first five.

Votes of shareholders.

28. The number of shareholders on whose requisition an extraordinary meeting of the Company may be required to be convened shall not be less than ten shareholders holding in the aggregate not less than two thousand pounds in the capital of the Company.

Extraordinary meetings.

29. It shall not be necessary for auditors appointed by the Company to be shareholders of the Company.

Auditors need not be shareholders.

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 the compulsory purchase of lands.

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 to be exercised 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 works in such way and manner as they may think

Period for the completion of works.

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requisite or advisable for supplying water within the limits of this Act.

Lands for extraordinary purposes.

32. The Company may from time to time purchase by agreement for the purposes of this Act any quantity of land or any easements in over or affecting any land which they may think requisite provided that such land shall not exceed three acres in addition to the land which they are by this Act authorised to take by compulsion Provided that the Company shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their waterworks.

Parties may grant easements.

33. The persons empowered by the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 to convey lands may by agreement and subject to the provisions of those Acts respectively with respect to lands and rentcharges and of this Act grant to the Company for the purposes of this Act any easement right privilege or authority not being an easement of water in or over or affecting any lands by this Act authorised to be taken or held by the Company.

Provisions of the Lands Clauses Acts to apply to easements.

34. For the purposes and subject to the provisions of this Act the several provisions of the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 with respect to lands and rentcharges so far as the same respectively are applicable in that behalf shall extend and apply to easements rentcharges and rents reserved by grants and leases of easements respectively.

Rates 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 in any street in which any pipe of the Company shall be laid furnish to such owner or occupier a sufficient supply of water for domestic purposes (which shall include one watercloset but not any bath) at rates not exceeding the rates hereinafter specified (that is to say) :—

If the annual value of the dwelling-house or of part of a dwelling-house does not amount to seven pounds per annum the rate or sum of eight shillings and eightpence per annum and so in proportion for any shorter period.

If such annual value amounts to seven but does not amount to thirty pounds per annum the rate of seven pounds per centum per annum upon such annual value and so in proportion for any shorter period.

If such annual value exceeds thirty pounds the rate of six pounds per centum per annum upon such annual value and so in proportion for any shorter period.

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For the purposes of this section the annual value shall be taken to be the annual rackrent which the tenant or occupier may pay for the premises or in case there be only a ground rent or no rent payable by him then the annual value of the premises shall be taken to be the annual rackrent which a tenant might be expected taking one year with another to pay for the premises if the tenant undertook to pay all usual tenant's rates and taxes and if the landlord undertook to bear the cost of the repairs and insurance and the other expenses if any necessary to maintain the premises in a state to command that rent.

Provided always that the Company shall not be compelled to afford a supply of water for domestic purposes to any such owner or occupier for any less sum than eight shillings and eightpence in any one year for every private dwelling-house or part of a private dwelling-house nor for a less period than twelve months.

Rates for watercloset and baths.

36. In addition to the rates computed as above specified the Company may charge for a second watercloset and for any bath in any house or part of any house or appurtenant thereto the following rates (that is to say) :—

When the rackrent or if not let at a rackrent the annual rent shall not exceed ten pounds the sum of five shillings per annum ;

When such rent shall exceed ten pounds but shall not exceed twenty pounds the sum of six shillings per annum ;

When such rent shall exceed twenty pounds but shall not exceed forty pounds the sum of eight shillings per annum ;

When such rent shall exceed forty pounds but shall not exceed eighty pounds the sum of ten shillings per annum ;

When such rent shall exceed eighty pounds the sum of twelve shillings per annum ;

And for every additional watercloset beyond the second and for every additional bath beyond the first the sum of five shillings per annum respectively :

Provided that the Company shall not be compellable to supply with water any watercloset or private bath or the apparatus or pipes connected therewith unless the same shall be so constructed and used as to prevent the waste misuse or undue consumption of the water of the Company and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Company or into any pipes connected or communicating therewith nor any private bath which shall be so constructed as to contain when filled for use more than fifty gallons of water.

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Penalty for using water for other than domestic purposes.

37. In addition to and without prejudice to the provisions in this Act contained with regard to the misuse of water supplied by the Company no person supplied by the Company with water for domestic purposes shall use such water or suffer the same to be used for the purpose of affording power to or in connexion with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding five pounds.

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 for any trade or business purpose for which water is required; and no person shall be entitled to require nor shall the Company be bound to supply with water any dwelling-house or other place situated more than one hundred yards from any pipe of the Company except upon such terms as shall be agreed upon between such person and the Company.

As to supply of water to groups of dwelling-houses, &c.

39. The Company shall not be compellable to supply or to continue the supply of water to any group of dwelling-houses belonging to the same owner or to any court where the supply may be or is afforded by any common pipe accessible to all the occupiers of such group of dwelling-houses or court unless and until the owner or occupiers thereof respectively shall have agreed with the Company to pay the water rent payable in respect of the water supplied to the whole or each of the dwelling-houses forming such group or court as the case may be.

Water supplied by agreement.

40. The Company may agree with any person to supply him with water by measure and may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure and if so required by any such person shall supply him with water by measure for other than domestic purposes In every case a meter for ascertaining the quantity consumed shall be provided by the Company at a reasonable rate or charge for the same.

Charges for water supplied by measure.

41. For all water supplied by measure the Company may charge the consumer not exceeding the following rates (that is to say)—

If the consumption of water shall not exceed an average for the quarter of four thousand gallons per day tenpence per one thousand gallons but not less than five pounds per quarter;

If the consumption shall exceed an average for the quarter of four thousand gallons and not exceed ten thousand gallons

per day ninepence per one thousand gallons but not less than thirteen pounds per quarter;

If the consumption shall exceed an average for the quarter of ten thousand gallons and not exceed thirty thousand gallons per day eightpence per one thousand gallons but not less than twenty-nine pounds per quarter;

If the consumption shall exceed an average for the quarter of thirty thousand gallons per day sixpence per one thousand gallons but not less than sixty-seven pounds per quarter.

Domestic supply not to be prejudiced.

42. Notwithstanding any contract with the Company no person shall be entitled to a supply of water for any other than domestic purposes if such supply would interfere with a due supply of water for domestic purposes.

Where part only of premises supplied the whole to pay.

43. The Company shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

Incoming tenant not liable to pay arrears of water rate.

44. The Company shall not be entitled to demand from the incoming tenant of any premises which they have supplied with water payment of any rate or charge which the former tenant left unpaid when he quitted the premises unless the incoming tenant shall have agreed with such former tenant to pay the arrears.

Company may make regulations for prevention of waste &c.

45. The Company may from time to time with the approval of the Local Government Board make such regulations as they think fit for the purpose of preventing waste misuse undue consumption or contamination of the water of the Company and may by such regulations direct the use and prescribe (with or without reference to models patterns or samples) the size nature strength and materials and the mode of arrangement position alteration and repair of the pipes valves cocks cisterns soil-pans waterclosets and other apparatus and receptacles or any of them to be used for carrying delivering rendering and storing water and may forbid any arrangement and the use of any pipe valve cock cistern bath soil-pan watercloset or other apparatus or receptacle likely in their judgment to cause waste misuse undue consumption or contamination of water.

Confirmation of regulations.

46. No such regulation shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same and no such regulation shall be confirmed until after the expiration of ten days after notice in writing of the intention to submit the same for confirmation together with a copy of

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the proposed regulation shall have been given by or on behalf of the Company to the urban sanitary authority of Great Driffield who may within the said period of ten days make such representation with reference thereto to the Local Government Board as they shall think expedient.

Publication of regulations.

47. All such regulations in force for the time being shall be published by a copy thereof being 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 regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

48. A printed copy of any such regulations as aforesaid dated and purporting to be made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

Company not bound to supply water unless their regulations complied with.

49. The Company shall not be bound to supply or continue to supply water to any person unless and until he shall duly observe such regulations as are for the time being in force.

Company may supply fittings.

50. The Company may if requested by any person supplied or to be supplied by them with water furnish to him at his costs and charges and from time to time repair or alter any pipes valves meters cocks cisterns baths soil-pans waterclosets apparatus and receptacles and may provide all materials and do all work necessary or proper in that behalf.

Company may require persons supplied with water to repair pipes, &c.

51. The Company may by notice in writing under the hand of their secretary or other authorised officer require any person supplied by them with water who shall have permitted any pipe cock cistern or other apparatus connected with the water supply to become out of repair to put the same forthwith into proper repair and if such person shall not within twenty-four hours after the service of such notice so repair such pipe cock cistern or other apparatus as to prevent any waste of water therefrom the Company may repair the same and the expenses of such repair if they shall not be repaid to the Company on demand shall be recoverable by them as damages.

Penalty for injury to and fraudulent use of meters.

52. Every person who shall wilfully fraudulently or by culpable negligence injure or cause or suffer to be injured any meter pipes fittings or apparatus belonging to the Company or who shall fraudu-

lently alter the index of any meter or shall wilfully or knowingly prevent any meter from properly registering the quantity of water supplied shall for every such offence forfeit or pay to the Company a sum not exceeding five pounds and they may in addition thereto recover the amount of damage by them sustained.

Meters not to be altered or repaired, except under direction or with consent of Company.

53. No meter whether the property of the Company or the property of the consumer shall be altered or repaired except under the direction or with the consent of the Company and the Company shall be entitled to keep all meters the property of the consumer in repair at his cost at such moderate rate of remuneration as may be agreed on between the Company and the consumer or in case of dispute as may be fixed by two justices.

Company to keep meters let for hire in repair.

54. The Company shall at all times at their own expense keep all meters let by them for hire in proper order for correctly registering water and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as the default continues.

Register of meter to be primâ facie evidence.

55. The register of the meter shall be primâ facie evidence of the quantity of water supplied and in respect of which any charge is made by the Company Provided always that if the Company and the consumer differ as to the quantity supplied such difference may be determined on the application of either party by two justices for the east riding of the county of York who may also order by which of the parties the costs of the proceedings before them including the testing of the meter shall be paid and the decision of the justices shall be final and binding on all parties.

Company's officers may enter buildings for inspection.

56. The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine of the clock in the forenoon and four of the clock in the afternoon enter any building or place supplied with water by the Company in order to inspect the meters pipes fittings and apparatus for regulating the supply of water either for the purpose of ascertaining the quantity of water consumed or supplied or to see whether the meters pipes fittings cisterns or other apparatus provided be in good repair and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

For preventing frauds

57. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contra-

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and waste of water.

vention of any of the provisions of this Act or wilfully fails to do anything which under this Act ought to be done for the prevention of waste misuse contamination or undue consumption of water the Company may cut off or stop any pipe by or through which water is supplied to him and may cease to supply him with water as long as the cause of injury remains or is not remedied and also may recover in any court of competent jurisdiction from any person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

Company's officers may enter buildings and cut off pipes after notice given.

58. In all cases in which the Company are by the Waterworks Clauses Act 1847 or the Waterworks Clauses Act 1863 or by this Act authorised to cut off the pipe or turn off water from any premises and in all cases in which any premises which shall have been supplied with water by the Company shall have become unoccupied the Company their agents and workmen (after giving notice to the owner or occupier as herein-after provided) may enter into any such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipes by which the water of the Company shall be conveyed to such premises, and may remove any pipe, meter, fittings, and apparatus the property of the Company.

Mode of giving notice.

59. The notice to be given previously to such entry shall be in writing and shall be served in manner following (that is to say) :—

If the premises intended to be entered be occupied then by leaving notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry :

If such premises be unoccupied and the owner thereof or his usual place of abode be in England and be known to the Company then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual or last known place of abode forty-eight hours at least previously to such entry :

If such premises be unoccupied and the owner thereof or his usual place of abode be not in England or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry :

And for the purpose of this section any person receiving the rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

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Recovery of charges for water.

60. In case any person who shall have been supplied with water by the Company or who shall be liable to payment in respect of a supply of water under or by virtue of the provisions of this Act shall neglect or refuse to pay the amount due in respect of such supply for the space of fourteen days after demand thereof by the Company their agent or collector it shall be lawful for any justice having jurisdiction where such person shall then reside or where such water may have been supplied to issue his summons to such person requiring him to appear before two justices having jurisdiction as aforesaid at a time and place named therein and then and there to show cause why the sum so demanded should not be paid and if on the appearance of such person or in default of appearance after proof of the service of the summons either personally or at the last known place of abode or of business of such person no sufficient cause shall be shown to the contrary it shall be lawful for such two justices to issue their warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justices to be due from such person together with such costs as to such justices shall seem just and reasonable.

Sums due to Company may be recovered in any court of competent jurisdiction.

61. The Company may recover any sum of money which shall be due to them for water rates or rents damages costs or expenses by action or proceeding in any court of law competent for the trial of an action for debt damages or trespass to the like amount.

Notice of discontinuance.

62. A notice to the Company from a consumer for a 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.

Liability to water rent not to disqualify justices, &c.

63. A justice or a judge of any court shall not 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 or of his being a shareholder of the Company.

Contents of summons.

64. 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 names and several sums.

Costs of distress.

65. Any justice who issues 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 justice and shall be included in the warrant of distress.

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Application of penalties.

66. Every penalty imposed by this Act shall (except where otherwise expressly provided and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Penalties not cumulative.

67. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Costs of Act.

68. 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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