CHAPTER lxxxiii.

An Act for authorising the East Kent District Water Company to construct new waterworks for extending their limits for the supply of water for conferring further powers upon the Company and for other purposes. [4th June 1930.]

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WHEREAS the East Kent District Water Company (in this Act called "the Company") were incorporated by the East Kent District Water Act 1889 (in this Act called "the Act of 1889") and by the East Kent District Water Acts and Orders 1889 to 1920 were empowered to construct works and to supply water within the limits in the county of Kent thereby prescribed:

And whereas it is expedient that the limits within which the Company may supply water should be further extended:

And whereas the demand for water within the existing limits of supply of the Company has increased and is still rapidly increasing and for the better and more effectually enabling the Company to meet such increasing demand and to supply in the extended limits it is expedient that the Company should be empowered to make and maintain the new waterworks and to acquire the lands hereinafter respectively described:

And whereas it is expedient that for the purpose of preserving and protecting the Northbourne pumping

[*Price* 1*s.* 6*d. Net.*]

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station authorised by this Act and the waters to be derived therefrom the provisions contained in this Act in that behalf should be enacted:

And whereas a statement of the authorised share and loan capital of the Company is set forth in the First Schedule to this Act and it is expedient that the amount which the Company are authorised to borrow under the before-mentioned Acts and Orders should be increased and that such other financial provisions should be made as are in this Act contained:

And whereas it is expedient that the Company should be empowered to purchase and the Eastry Rural District Council should be empowered to sell certain water mains pipes and apparatus belonging to that council situate in the parishes of Ash Eastry Woodnesborough and Worth in the rural district of Eastry and within the existing limits of supply of the Company together with the benefit of certain agreements entered into by that council in connection therewith and that certain provisions of the Act of 1889 with respect to the supply of water in those parishes should be modified as from the completion of such purchase:

And whereas it is expedient that such further provision be made and such further powers conferred upon the Company as are in this Act contained:

And whereas plans and sections of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken 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 those plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas the objects aforesaid 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this

present Parliament assembled and by the authority of the same as follows (that is to say):— A.D. 1930.

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the East Kent District Water Act 1930 and the East Kent District Water Acts and Orders 1889 to 1920 and so much of the Mid Kent Water Act 1928 as relates to the Company or their undertaking and this Act may be cited together and are in this Act referred to as the East Kent District Water Acts and Orders 1889 to 1930 and the Act of 1889 the East Kent District Water Order 1910 so much of the Mid Kent and East Kent District Water Act 1913 as relates to the Company or their undertaking the East Kent District Water Order 1920 and so much of the Mid Kent Water Act 1928 as relates to the Company or their undertaking is hereinafter referred to separately as the Act or Order of the year in which the same or the Act confirming the same as the case may be was passed.

Incorporation of general Acts.

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

(1) The Waterworks Clauses Acts 1847 and 1863 (except the words "with the consent in writing "of the owner or reputed owner of any such "house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847):

(2) The Lands Clauses Acts:

Provided always that any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Minister of Health on the application of either party:

(3) Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts:

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(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and for the purposes of this Act such provisions shall have effect as if the pumping station the adit and the service reservoir by this Act authorised and so much of the conduits or lines of pipes by this Act authorised as will not be constructed in a highway were respectively referred to in lieu of "the railway" and as if the outside of the pumping station the boundaries of the service reservoir and the centre lines of the adit and of so much of the conduits or lines of pipes as aforesaid were respectively referred to in lieu of the "centre of the railway."

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have the same respective meanings And—

The expression "the Company" means the East Kent District Water Company;

The expression "the existing Acts and Orders" means the Act of 1889 the Order of 1910 the Act of 1913 the Order of 1920 and the Act of 1928;

The expression "the existing limits of supply" means the limits for the supply of water by the Company as defined by the Act of 1889 and extended by the Order of 1910;

The expression "the new limits of supply" means the new limits for the supply of water by the Company authorised by this Act;

The expression "the limits of supply" means the limits for the time being of the Company for the supply of water;

The expression "the undertaking" means the undertaking of the Company for the time being authorised;

The expression "the new waterworks" means the new works described in the section of this Act the marginal note whereof is "Power to make new works";

The expression "the directors" means the directors of the Company;

The expression "the tribunal" means the jury arbitrators or other body to whom any question of disputed purchase money or compensation under this Act is referred.

EXTENSION OF LIMITS OF SUPPLY.

Extension of limits of supply.

4. The limits within which the Company may supply water shall extend to and include in addition to the existing limits of supply the parish of Great Mongeham in the rural district of Eastry in the county of Kent and from and after the passing of this Act the provisions of the East Kent District Water Acts and Orders 1889 to 1930 shall so far as applicable be in full force and have effect throughout the limits of supply as extended by this Act.

Power to local authority to supply if Company fails to supply.

5. If at any time after the expiration of five years from the passing 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 the East Kent District Water Acts and Orders 1889 to 1930 in any area included within the new limits of supply the local authority of the district in which the area is comprised may provide a supply in the area 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 area 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 whether the Company are furnishing or prepared on demand to furnish a sufficient supply of water in any area such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister of Health.

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WORKS LANDS &c.

Purchase of waterworks &c. of Eastry Rural District Council.

6.—(1) The Company may purchase and the Eastry Rural District Council (in this section referred to as "the council") are hereby empowered to sell the water mains and pipes of the council situate in the parishes of Ash Eastry Woodnesborough and Worth in the rural district of Eastry in the county of Kent within the existing limits of supply together with the benefit of any agreements entered into between the council and any other parties with respect to the maintenance and use of the said and other mains and pipes and with respect to the supply of water by means thereof respectively upon such terms and subject to such conditions as may be agreed between the Company and the council and as from the completion of such sale and purchase the said water mains and pipes and the benefit of the said agreements shall for all purposes whatsoever form part of the undertaking of the Company and the Company may from time to time maintain renew extend and repair the said mains and pipes and use the same for the purposes of supplying water in any part of the limits of supply.

(2) As from the date of the completion of the purchase referred to in subsection (1) of this section so much of subsection (1) of section 25 (Special provisions as to supply in Sandwich and other places) of the Act of 1889 as relates to the parishes of Ash Eastry Woodnesborough and Worth shall be by virtue of this Act repealed and in lieu thereof the provisions of the section of this Act of which the marginal note is "Power to local authority to supply if Company fails to supply" shall apply and have effect (mutatis mutandis) with respect to the said parishes subject to the substitution for the reference in the said section to the period of five years from the passing of this Act of a reference to a period of two years from the date of the completion of such purchase.

(3) Notwithstanding anything contained in this Act or in the existing Acts and Orders the Company shall except as may be otherwise agreed in writing between the Company and the council supply water in the parishes of Ash Eastry Woodnesborough and Worth at such pressure as shall be afforded by gravitation from a reservoir of the Company the top water level of which shall not be less

than two hundred and ninety-six feet above Ordnance datum. A.D. 1930.

Construction of mains by Company sanctioned.

7. Subject to the provisions of this Act the Company may maintain use renew alter extend and repair any mains pipes and other works for the distribution of water already laid down by them in the parish of Great Mongeham in the rural district of Eastry in the county of Kent and the construction of the said works and the expenditure of capital thereon is hereby sanctioned and confirmed.

Power to make new works.

8.—(1) Subject to the provisions of this Act the Company may in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the new waterworks hereinafter described wholly in the county of Kent and the Company may also enter upon take use and hold all or any of the lands in that behalf delineated on the said plans and described in the deposited book of reference relating thereto respectively and may hold retain and use any of the said lands already acquired by them or on their behalf as part of and for the purposes of the undertaking and the expenditure of any capital already incurred for the purposes of any of the said works or lands is hereby sanctioned and confirmed.

The new works hereinbefore referred to are—

Work No. 1 A covered service reservoir (to be called and in this Act referred to as "the Martin Mill reservoir extension") to be situate wholly in the parish of East Langdon in the rural district of Dover in or upon land forming part of the enclosure numbered 19 on the $\frac{1}{2500}$ Ordnance map (second edition 1898) sheet No. LVIII–15 of the said parish of East Langdon;

Work No. 2 A pumping station together with wells bores adits headings and other works and conveniences (to be called and in this Act referred to as "the Northbourne pumping station") to be situate in the parishes of Little Mongeham and Northbourne in the rural district of Eastry in or upon land forming part of the enclosures respectively numbered 42 42B 43 and 44 on the $\frac{1}{2500}$ Ordnance map

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(third edition 1906) sheet No. LVIII–6 of the said parish of Little Mongeham and of the enclosures respectively numbered 254A 254B and 255 on the $\frac{1}{2500}$ Ordnance map (third edition 1906) sheet No. LVIII–6 of the said parish of Northbourne;

Work No. 3 An adit to be situate in the said parish of Northbourne commencing at or near the north-western boundary of the enclosure numbered 254A on the $\frac{1}{2500}$ Ordnance map (third edition 1906) sheet No. LVIII–6 of the said parish and terminating in the south-western portion of the said enclosure;

Work No. 4 A conduit or line or lines of pipes to be situate in the said parish of Northbourne commencing in the intended Northbourne pumping station (Work No. 2) hereinbefore described and terminating by a junction with the existing water main of the Company in the village of Northbourne in the said parish at a point opposite Townsend Farm in the road leading from Ripple to Eastry.

(2) In addition to the foregoing works the Company may upon the said lands make and maintain all such buildings machinery works and apparatus of whatsoever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this subsection 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.

Limits of deviation.

9. In the construction of the new waterworks 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 (including for this purpose any roadside waste forming part of or adjoining the 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 Provided that no embankment of the Martin Mill reservoir extension shall be constructed at any greater height above the general surface of the ground than that shown on the deposited

sections and five feet in addition thereto and that except for the purposes of crossing over a stream dyke or watercourse no part of the conduits or line or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections. A.D. 1930.

Works to form part of undertaking.

10. Subject to the provisions of this Act all works thereby sanctioned confirmed or authorised and the lands thereby authorised to be held retained or acquired shall for all purposes whatsoever form part of and be comprised in the undertaking.

Power to take waters.

11. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all streams springs and waters which will or may be intercepted by means of the Works Nos. 2 and 3 by this Act authorised or any subsidiary works by this Act authorised in connection therewith.

Period for completion of works.

12. If the new waterworks are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of the said waterworks or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed but nothing in this section contained shall restrict the Company from at any time extending enlarging altering renewing or removing any of the new waterworks or from exercising any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require.

Period for compulsory purchase of lands.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease on the first day of October nineteen hundred and thirty-three.

For protection of existing wells.

14.—(1) If at any time after the completion of the Northbourne pumping station by this Act authorised it shall be proved by the owner of any well which is situate within a radius of one mile from the said pumping station and which is used at the passing of this Act as an effective source of supply (in this section called "the owner") that the pumping by the Company at that station has caused a diminution or cesser of the supply of water in such well the Company shall upon the written request of

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such owner afford to him a supply of water equal to the amount of such diminution or to the supply which shall have ceased (as proved) at such cost or rate (if any) as that the total cost of the owner of obtaining his full supply shall not be more after than before the construction of the said pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

(2) Provided that—

(*a*) the Company shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any well the water from which is or was before the cesser of supply so polluted as to be or to be likely to be injurious or dangerous to health;

(*b*) the Company shall not be liable in respect of any claim made by the owner under this section if such owner shall have failed to afford the Company and their officers servants and other representatives at all reasonable times after the passing of this Act access to the well in respect of which the claim is made and facilities for ascertaining particulars thereof and the level and quantity of the water therein; and

(*c*) the Company shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(3) All mains pipes meters and fittings required for the purpose of supplying water to any owner in pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Company and the owner shall afford to the Company all reasonable or necessary facilities for these purposes but all such fittings which shall be placed or fixed upon the land or premises of any owner shall be repaired maintained and (when necessary) renewed and made good by such owner to the satisfaction of the Company.

(4) The Company may if they think fit in lieu of affording a supply of water equal to the diminution of

the supply or the supply which shall have ceased as aforesaid in any such well deepen such well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution or cesser and the owner shall without making any charge therefor give the Company access and every facility for carrying out such deepenings borings or headings.

(5) The Company may if they think fit in lieu of affording a supply equal to the diminution or the supply which shall have ceased as aforesaid make compensation in money to any such owner for such diminution or cesser of supply and they shall also make like compensation for any injury caused to such owner by the powers conferred by the last preceding subsection and the amount of such compensation shall be settled in case of difference by arbitration as hereinafter provided.

(6) Any question which may arise between the Company and any owner as to the quantity time place or manner of the supply to be afforded by the Company in pursuance of this section and any other question dispute or difference which may arise between the Company and the owner under the foregoing provisions of this section shall be referred to the arbitration of a single arbitrator appointed unless otherwise agreed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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

(8) In this section the expression "owner" shall include any lessee or occupier.

Power to acquire easements only in certain cases.

15.—(1) The Company may in lieu of acquiring any lands for the purposes of the new waterworks where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts (as modified by this

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Act) shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

(3) Provided always that nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Extinction of private rights of way.

16.—(1) All private rights of way over any lands which the Company are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands be extinguished.

(2) Provided that the Company shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts (as modified by this Act) with reference to the taking of lands otherwise than by agreement.

Compensation in case of recently acquired interests &c.

17. In settling any question of disputed purchase money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in lands created after the nineteenth day of November nineteen hundred and twenty-nine if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to Company to enter upon property for survey and valuation.

18. The Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

Costs of arbitration in certain cases.

19. The tribunal to whom any question of disputed compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company shall have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

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Persons under disability may grant easements &c.

20. 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 taking water in which persons other than the grantors have an interest) required for the purposes of this Act in over under or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Powers for protection of waters and water-works.

21.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Company may by agreement purchase take on lease and acquire any lands in or over which any waters which the Company are for the time being authorised to collect impound take use divert or appropriate arise or flow and may hold such lands so long as they shall deem it necessary or expedient for those purposes Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except such as are required for or connected with or incident to the purposes of the undertaking.

(2) The Company may in and upon any lands so acquired by them construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within any area in or through which any waters which may be taken by the Company arise or flow subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The powers conferred by this section shall not authorise the grant or enclosure of common without the consent of the Minister of Agriculture and Fisheries.

Power to agree as to drainage of lands &c.

22. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any of their waterworks 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 authorised to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or derivately into any of such works.

Power to sell lease &c. lands.

23. Notwithstanding anything in the Lands Clauses Acts the Company may retain hold and use for the purposes of the undertaking for such time as they think fit any lands for the time being belonging to them and may from time to time sell lease exchange or otherwise dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease exchange or disposition may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

24. The Company may on all or any of the lands for the time being held by them execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for the taking and intercepting of water) Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Acquisition of lands by agreement.

25. In addition to any lands which the Company are by any other provisions of the East Kent District Water Acts and Orders 1889 to 1920 authorised to acquire the Company may by agreement purchase or take

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leases of and hold further lands for the purposes of the undertaking or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or under any such lands or otherwise but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed twenty acres Provided that the Company shall not create or permit any nuisance on any such land nor erect any buildings thereon except such as are required for or are connected with or incident to the purposes of the undertaking.

Provision for protection of Northbourne pumping station.

26.—(1) In this section the expression "the protective area" means the area in the county of Kent described in the Second Schedule to this Act in which the Northbourne pumping station will be situate.

(2) If it appears to a court of summary jurisdiction on complaint by or on behalf of the Company that any substance or liquid of a nature which if permitted to escape into the sub-soil will involve or is likely to involve the pollution or contamination of underground water is escaping or is about to be permitted to escape into the sub-soil of any lands within the protective area from any sink sewer cesspool or drain or from any manure heap or dunghill the court may after giving the owner or occupier of the lands or premises upon which the said sink sewer cesspool or drain manure heap or dunghill is situate an opportunity of being heard make an order authorising the Company or any person authorised by them at the expense of the Company in all things to execute such works upon or in proximity to any such sink sewer cesspool or drain or the site of any such manure heap or dunghill and to do such other acts and things as in the opinion of the court will effectually remedy or prevent such escape.

(3) Any person who obstructs or impedes the execution of any such order shall (unless he shows cause to the satisfaction of the court for such obstruction) be liable to a penalty not exceeding five pounds.

(4) A plan showing the lands comprised in the protective area shall at all reasonable times be open to public inspection at the office of the Company without charge.

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For protection of Kent County Council.

27. The provisions of section 40 (For protection of Kent County Council) of the Act of 1913 so far as they relate to the Company shall with any necessary modifications extend and enure for the protection of the Kent County Council in relation to the execution of the works authorised by this Act so far as they affect any county road or any county bridge as if the same had been re-enacted in this Act.

For protection of East Kent Light Railways Company.

28. Whereas the East Kent Light Railways Company (in this section called "the railway company") have applied to the Minister of Transport (in this section called "the Minister") in pursuance of the Light Railways Acts 1896 and 1912 as amended by the Railways Act 1921 for an order intituled the East Kent Light Railways (Extensions and General Powers) Order 1929 and in this section called "the order" for the purposes (inter alia) of authorising the construction of certain light railways including a railway (No. 37) described in the order (in this section called "the railway") which railway is proposed to be constructed through (inter alia) the parish of Northbourne in the rural district of Eastry And whereas the construction of the adit (Work No. 3) and the conduit or line or lines of pipes (Work No. 4) by this Act authorised would or might interfere with the construction of the railway Now it is hereby enacted that in the event of the order being confirmed by the Minister the following provisions for the protection of the railway company shall notwithstanding anything contained in this Act or shown upon the deposited plans and sections and except so far as may be otherwise agreed between the Company and the railway company apply and have effect (that is to say) :—

(1) In this section "the signed plan" means the plan signed in duplicate by Frederick Leonard Ball on behalf of the Company and by Holman Fred Stephens on behalf of the railway company one copy of which has been retained by the Company and the other by the railway company :

(2) The Company shall not acquire under this Act any part of the lands delineated on the signed plan and thereon coloured pink Provided that the Company may purchase and take and the

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railway company shall sell and grant accordingly an easement or right of using so much of the said lands coloured pink on the signed plan as may be necessary for the construction upon the line and according to the levels shown on the deposited plans and sections of the said conduit or line or lines of pipes (Work No. 4) by this Act authorised and within the limits of deviation shown on the deposited plans and sections of the said adit (Work No. 3) by this Act authorised together with the right of collecting impounding taking using diverting and appropriating all streams springs and waters which will or may be intercepted by means of the said adit where it passes under the said lands and for the maintenance repair inspection and user of the said works respectively and of all machinery works and apparatus of whatsoever character as may be necessary or convenient in connection with or subsidiary to the same :

(3) In constructing the said adit (Work No. 3) and the said conduit or line or lines of pipes (Work No. 4) and in laying down and in executing any works in connection with the laying down or the repair or renewal of any mains pipes culverts or other works which the Company may by this Act be authorised to lay down and execute all of which works are hereinafter jointly and severally referred to as " the Company's works " upon across over under or adjoining or in any way affecting the railways lands and property or the bridges level crossings approaches viaducts stations or other works belonging to or used or occupied by the railway company and in existence at the date or dates of the construction or execution of the Company's works (all or any of which railways lands property bridges level crossings viaducts stations or other works of the railway company so in existence at such date or dates are hereinafter jointly and severally referred to as " the railway company's works ") the Company's works shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only (except in cases of

emergency arising from defects in any of the mains pipes culverts or other works) according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by such engineer in writing :

Provided always that if such principal engineer shall not approve or disapprove of any such plans so submitted to him within fourteen days after the same are delivered or shall refuse or neglect for the space of seven days after being requested so to do by the Company to superintend the work the Company may proceed with the same without the approval of the said plans and without the superintendence of the said engineer respectively :

(4) Subject as aforesaid the Company's 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 said engineer the roads over or under any bridge level crossing or tunnel comprised in the railway company's works or over the approaches to any such bridge or level crossing which the railway company is or may be liable to maintain so far as the same may be disturbed or interfered with by or owing to any operations of the Company :

(5) 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 any such bridges level crossings tunnels approaches viaducts works lands or property comprised in the railway company's works 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 :

(6) If the Company lay down any mains or pipes under or over any bridge level crossing tunnel or viaduct comprised in the railway company's works they shall provide and maintain such stopcocks on either side of such bridge level crossing tunnel or viaduct as in the opinion of

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the engineer of the railway company shall be reasonably necessary :

(7) If any injury 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 culverts pipes or works in under or near to any bridge level crossing tunnel approach viaduct station lands works or property comprised in the railway company's works the Company shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :

(8) The Company shall acquire only such an easement across over or under any of the railway company's works as may be necessary for constructing maintaining repairing inspecting and using the works by this Act authorised to be constructed including the said adit (Work No. 3) and the said conduit or line or lines of pipes (Work No. 4) and shall pay to the railway company for any such easement to be 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 Acts with respect to the acquisition of land otherwise than by agreement and the easement so to be taken shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of such arbitration Provided that the Company shall not be required to acquire any easement in respect of the laying down of any conduit or line or lines of pipes mains culverts or other works in any street or road not repairable by the railway company passing under any railway of the railway company :

(9) Except as in this section otherwise provided any dispute or difference which may arise between the railway company 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 or other fit person to be appointed by the President of the Institution of Civil Engineers on the application of the railway company and the Company or either of them.

RATES AND CHARGES SUPPLY OF WATER &C.

Amendment and extension of subsection (2) of section 6 of Order of 1920.

29. Subsection (2) of section 6 (Additional percentage of rates rents and charges) of the Order of 1920 shall be amended by the omission therefrom of the words "Subject to the provisions of any general Act which "may hereafter be passed relating to charges for the "supply of water" and by the substitution of references to the Minister of Health for the references therein to the Board of Trade and as so amended shall extend and apply to the variation of any of the rates rents and charges for the supply of water authorised by this Act.

As to section 72 of Waterworks Clauses Act 1847.

30. Section 72 of the Waterworks Clauses Act 1847 as incorporated with this Act shall in relation to the undertaking be read and have effect as if for the reference therein to "annual value" there were substituted a reference to the net annual value ascertained by the valuation list in force for the time being under the Rating and Valuation Act 1925.

Rates payable by owners of small houses.

31.—(1) Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) Nothing in this section shall limit or affect the operation of section 72 (Owners of houses not exceeding

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ten pounds rent to be liable to water rates) of the Waterworks Clauses Act 1847 as incorporated with this Act.

Supply to houses partly used for trade &c.

32.—(1) The Company shall not be bound to supply with water otherwise than by meter at the rates (subject to the provisions of subsection (3) of this section) for the time being in force under the provisions of the Order of 1920—

(*a*) any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required; or

(*b*) any workhouse hospital (whether public or private) asylum (whether public or private) sanatorium nursing home school club hotel restaurant public-house inn or common lodging-house; or

(*c*) any boarding-house or lodging-house capable of accommodating at least twelve persons; or

(*d*) any public institution which is habitually occupied by at least twenty persons.

(2) Where a supply of water to a farm-house is used for farming purposes the Company may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farm-house at the rate for the time being payable for water supplied for domestic purposes.

(3) The amount to be paid under the provisions of this section exclusive of meter rent shall not in any one quarter be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

Charges for supplies for motor cars refrigerating apparatus &c.

33.—(1) The Company shall not if a hose-pipe or other similar apparatus is used be compelled to supply water for use for horses or washing carriages motor cars or other vehicles or for use for other purposes in stables garages or premises where horses carriages or motor cars are kept otherwise than by measure and all water so used by means of such hose-pipe or other similar apparatus shall be paid for accordingly at the rates for the time being in force under the provisions of the Order of 1920:

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Provided—

(*a*) that the minimum sum for which the Company shall be compelled to afford a supply for use for motor cars kept for private or professional use shall be three shillings and ninepence in any one quarter of a year; and

(*b*) that in all cases to which this subsection shall apply and in which a meter with an inlet and outlet not exceeding respectively three-eighths of one inch in diameter is sufficient for the purposes of the supply the Company shall supply and fix the meter at their own expense and shall not be entitled to charge for the use of the same any higher rent than two shillings and threepence per quarter of a year.

(2) Where a person who takes a supply of water for domestic purposes from the Company desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Company shall be entitled to require that all water so used shall—

(*a*) be taken by measure and paid for accordingly at the rates for the time being in force under the provisions of the Order of 1920 save that the minimum quarterly charge for the water shall be ten shillings; or

(*b*) be paid for at such rates as may be agreed between the consumer and the Company.

Supply by measure.

34. The Company may supply water for purposes other than those with respect to which owners and occupiers are compellable by the Company under the provisions of the East Kent District Water Acts and Orders 1889 to 1920 to accept a supply by meter and than those specified in the sections of this Act whereof the marginal notes are "Supply to houses partly used for trade &c." and "Charges for supplies for motor cars refrigerating apparatus &c." at such rates as may be agreed between the consumer and the Company and may supply water by measure either for domestic shipping or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the

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same manner as water rates Provided always that no person shall be entitled to a supply of water for purposes other than domestic if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

As to net annual value of two or more houses in one occupation.

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

Cisterns to be provided for high level supplies.

36. The Company may require that any premises erected after the passing of this Act on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by them to such premises shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such premises for a period of twenty-four hours and the Company shall not be required to supply any such premises until the same are provided with a cistern in conformity with the requirements of this section.

Extension of power to inspect premises.

37. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

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Pressure.

38. Notwithstanding anything contained in any Act or Order relating to the Company but subject nevertheless to the provisions of subsection (3) of the section of this Act of which the marginal note is "Purchase of waterworks &c. of Eastry Rural District Council" it shall not be necessary for the Company to supply water at any point in any main at a pressure greater than that to be afforded by gravitation from the service reservoir or other work from which the supply shall be taken.

Amendment of section 35 of Waterworks Clauses Act 1847.

39. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Company be read and construed as if the one tenth part of the expense of providing and laying down pipes mentioned in that section were one eighth part of such expense.

Meters &c. to measure water or detect waste.

40. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Company and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public and private streets roads lanes footways courts passages tramways sewers pipes wires and apparatus Provided that the Company shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act:

Provided also that the Company shall not without the previous consent of the Southern Railway Company or the East Kent Light Railways Company exercise the powers of this section in respect of any street road or apparatus belonging to or maintained by those companies respectively but such consents shall not be unreasonably withheld.

As to register of meters.

41.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate rent or charge is charged and sought to be recovered by the Company Provided always that if the Company

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and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Company.

Injuring meters.

42.—(1) 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.

(2) 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 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 ensuring the proper registering by such meter or other instrument 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. A.D. 1930.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima 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.

Byelaws for preventing waste &c. of water.

43.—(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 connection disconnection alteration and repair of pipes meters cocks ferrules valves soil pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(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.

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 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 and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

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(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 sixpence for each copy.

(5) The Company shall on or before the date upon which notice of any such byelaws is first given in any local newspaper in pursuance of section 184 of the Public Health Act 1875 send a copy of the byelaws to the local authority for every district in which the byelaws are intended to be in force.

(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 water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

(7) Until any byelaws have been made confirmed and published under this section any regulations made by the Company for the like purposes under section 50 (Regulations for preventing waste of water) of the Act of 1889 and in force at the passing of this Act shall continue in force and have full effect.

Power to Company to repair communication pipes.

44. If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Company for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up

filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and (in any case where the communication pipe is repairable by the owner of the said house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Company to connect communication pipes with mains.

45. Notwithstanding anything in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipe therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Extension of section 47 of Act of 1889.

46. If the owner of any house supplied with water by the Company when so required in pursuance of section 47 (Company not bound to supply several houses by one pipe) of the Act of 1889 fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Company may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

Opening of ground by persons liable to maintain pipes &c.

47.—(1) For the purposes of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the

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Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expense incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made.

Penalty for closing valves and apparatus.

48. Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Extension of section 60 of Waterworks Clauses Act 1847.

49. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

Purchase of water in bulk.

50. The Company may enter into and carry into effect agreements with any authority company body or person supplying water under parliamentary authority and with the approval of the Minister of Health in the case of any water intended for domestic consumption with any other authority company body or person for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Company for the purpose of the undertaking.

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As to quarterly dates for payment of water rates.

51. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 contained the Company shall be entitled to demand payment of water rates in advance by equal quarterly payments on the first day of January the first day of April the first day of July and the first day of October in each year.

Special terms for supplies to caravans &c.

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

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

FINANCIAL PROVISIONS.

Borrowing powers in respect of authorised capital.

53. The provisions of the Act of 1889 the Order of 1910 the Act of 1913 and the Order of 1920 relating to the borrowing or raising of moneys on mortgage of the undertaking or by the creation and issue of debenture stock shall be read and construed as if the Company were by those Acts and Orders authorised to borrow on mortgage of the undertaking or to raise by the creation and issue of debenture stock an amount equal to one half part of the moneys which at the time of such borrowing or the issue of the debenture stock has been raised

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by the Company by the issue of ordinary and preference shares or stock under the powers of those Acts or Orders or any of them including the premiums (if any) realised on the sale thereof.

Power to borrow in respect of existing capital.

54. Subject to the provisions of this Act but without being required to obtain the certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845 the Company may borrow on mortgage of the undertaking in respect of the capital which has already been raised by them any sum or sums not exceeding in the whole (including any sum or sums already borrowed by the Company) fifty-three thousand four hundred and forty pounds.

Shares or stock to be sold by auction or tender.

55.—(1) All shares or stock (other than debenture stock) issued by the Company after the passing of this Act shall subject to the provisions of this Act be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows :—

(*a*) Notice of the intended sale shall be given in writing to the town clerk of any borough and to the clerk of the council of any district which includes a part of the limits of supply and to the secretary of the London Stock Exchange at least fourteen days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two successive weeks in one or more local newspapers circulating within the limits of supply;

(*b*) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister of Health not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;

(*c*) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds;

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(*d*) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of shares or stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company;

(*e*) In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid;

(*f*) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in a case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold may be disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Minister of Health stating the total amount of the respective shares or stock sold the total amount obtained

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as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

Appointment of receiver.

56. Section 62 (Appointment of receiver) of the Act of 1913 as amended by section 18 (Additional capital and borrowing powers) of the Order of 1920 is hereby repealed so far as it relates to the Company but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending at the passing of this Act under such provisions 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 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 ten thousand pounds in the whole.

Application of moneys.

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

Provided that in any case where a power to raise money by borrowing or to create a reserve or other fund is made proportionate to the paid-up or nominal capital the net premium received from the sale of shares or stock shall for such purpose be reckoned as part of the paid-up or nominal capital.

Redeemable preference shares or stock and debenture stock.

58.—(1) The Company may create and issue all or any of the preference shares or stock or debenture stock which they may hereafter create and issue under the powers of any of their Acts or Orders (all of which together with any redeemable debenture stock already issued by the Company are in this section included in the expression "stock") so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed or to be passed at a special meeting convened for the purpose.

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(2) If it is so provided in the resolution the Company may—

(*a*) call in and pay off the stock or any part thereof at any time before the date fixed for redemption; and

(*b*) redeem the stock or any part thereof either by paying off the stock or by issuing to the holder of any stock subject to his consent other stock in substitution therefor.

(3) For the purpose of providing money for paying off the stock or for the purpose of providing substituted stock the Company may create and issue new stock (either redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid:

Provided that the creation and issue for any such purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

(4) The Company shall not redeem out of revenue any stock created and issued as aforesaid.

(5) Any stock created and issued solely in substitution for stock shall not be subject to the provisions of the section of this Act of which the marginal note is "Shares or stock to be sold by auction or tender."

As to reserved and contingency funds.

59.—(1) The aggregate amount which may be carried by the Company in any year to any reserved fund formed in pursuance of section 76 of the Waterworks Clauses Act 1847 and to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall together not exceed a sum equal to one per centum of the capital for the time being expended by the Company for the purposes of the undertaking.

(2) The aggregate amount standing to the credit of any such reserved fund and contingency fund of the Company as aforesaid shall together not at any time exceed a sum equal to ten per centum of the capital for the time being expended by the Company for the purposes of the undertaking.

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Limitation on carry forward.

60. It shall not be lawful for the Company to carry forward at the end of any year to the credit of the profit and loss (net revenue) account any sum exceeding the total of the following amounts (that is to say):—

(*a*) the amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year;

(*b*) an amount equal to the total sum which the Company would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year; and

(*c*) an amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages debentures or debenture stock.

Receipt in case of persons not sui juris.

61. If any money is payable to a shareholder stockholder 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.

Application of existing capital.

62. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

Guarantees by district councils.

63.—(1) Any urban or rural district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within any part of such district.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any

general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section :

Provided that subject to the provisions of the Local Government Act 1929 any expenditure incurred by a rural district council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

(3) Nothing in this section shall be deemed to authorise any such urban or rural district council to use any water supplied by the Company under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of supply and within the limits for the supply of water of any other authority supplying water under parliamentary authority without the consent of such other authority.

Power to local authorities to guarantee on behalf of owners and occupiers.

64. Any requisition which may be made under section 35 of the Waterworks Clauses Act 1847 by owners or occupiers of houses requiring a supply of water may be made by the local authority of the district on behalf of such owners and occupiers and shall be binding on the Company if the local authority execute an agreement binding themselves to pay for three successive years at least for the supply of water to the houses in respect of which the requisition was made the amount which would have been payable under the said section as amended by this Act by such owners or occupiers.

Meetings of Company.

65. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or in any Act relating to the Company the Company may by a resolution of a general meeting at any time determine that the future ordinary meetings of the Company shall be held once only in each year in such month as the directors may from time to time determine and the Company may from time to time in like manner alter or rescind any such resolution.

Notices of meetings.

66. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by

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ordinary letter post to each shareholder or stockholder instead of by public advertisement Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder or stockholder prepaid and posted not later than seven clear days before the date of the meeting In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

Interim dividends and annual accounts.

67. If and so long as the ordinary meetings of the Company shall be held once only in each year—

(*a*) it shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company on the ordinary and preference capital of the Company without the sanction of a general meeting Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed one-half of the amount of the maximum dividend on the ordinary capital or one-half of the annual dividend assigned to the preference capital in respect of which the interim dividend is declared;

(*b*) the balance sheet and accounts made up by the Company in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall so far as the same relate to the profit or loss of the Company relate to the transactions of the Company in the course of the preceding year.

Closing of transfer books.

68.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper circulating in the limits of supply.

(2) Any transfer of shares or stock or mortgages or debenture stock made during the time when the register of transfers of such shares stock or security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequent to the declaration of any such dividend or the payment of any such interest as the case may be.

Director holding office under or contracting with Company.

69. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract :

Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give the directors or any of them any security by way of indemnity.

Notice of candidature of or of opposition to re-election of director.

70.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election or except in the case of a director being elected by the board of directors to fill a casual vacancy no person shall be capable of being elected a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the principal office of the Company fourteen days at least before the day of election and the secretary of the Company shall during such

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fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office.

(2) In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

(3) No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of shares or stock for at least two months prior to his election.

Auditors.

71. It shall be lawful for the Company at any time by resolution passed at a general meeting to decide that the audit of the Company's accounts shall be made by a single auditor It shall not be necessary for any auditor of the Company to hold any shares or stock in the capital of the Company.

Directors may determine remuneration of auditors.

72. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may from time to time determine the remuneration of the auditors of the Company.

Register of shareholders and shareholders' address book.

73. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

(*a*) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(*b*) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

As to appointment of proxies.

74. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that except in cases where

the instrument appointing the attorney shall have been previously registered with the Company the same or (in the case of an instrument deposited with the central office of the Supreme Court) an office copy thereof shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

Joint holders.

75. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock any one of those persons may vote at any meeting either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any shares or stock stands shall for the purposes of this section be deemed joint holders thereof.

Power to make superannuation and other allowances.

76. It shall be lawful for the Company to make superannuation and other allowances and to pay or contribute towards pensions or gratuities to any officers servants or employees of the Company and for that purpose to apply the funds and revenues of the Company.

Power to directors to make donations subscriptions &c.

77. The directors may subscribe or make donations to infirmaries and hospitals and convalescent homes and other similar institutions and objects or to industrial exhibitions or to benevolent accident or sick funds of the officers servants and employees of the Company and may for any of those purposes apply the funds and revenues of the Company.

Several sums in one summons.

78. Where the payment of more than one sum by any person is due under any Act or Order for the time being relating to the Company any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Liability to water rate not to disqualify justices.

79. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order for the time being relating to the Company by reason of his being liable to any water rate.

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Penalties not cumulative.

80. Penalties imposed under any Act or Order for the time being relating to the Company for one and the same offence shall not be cumulative.

Recovery of penalties &c

81. Save as otherwise by this Act expressly provided all offences against any Act or Order for the time being relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

82. Proceedings for the recovery of any demand made under the authority of any Act or Order for the time being relating to the Company whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

For protection of Dover Corporation.

83.—(1) In this section—

"the corporation" means the mayor aldermen and burgesses of the borough of Dover;

"the agreement" means the indenture dated the second day of September nineteen hundred and three and made between the corporation of the one part and the Company of the other part.

(2) Subject to the provisions of this section the agreement and section 9 of the Order of 1910 shall respectively be read and have effect as if the period of twenty-one years were therein referred to in lieu of (in the case of the agreement) the period of thirty-three years and (in the case of the said section 9) the period of twenty-seven and a half years Provided that—

(*a*) if either (i) the corporation by resolution so determine and of such their determination give notice in writing to the Company or (ii) the Company so determine and of such their

determination give notice in writing to the corporation there shall be substituted for the said period of twenty-one years in the case of the agreement such a period as (at the date upon which the corporation shall purchase any such portion or portions of the undertaking of the Company as are referred to in the agreement) will secure to the Company in perpetuity the net profits earned by the Company in any year in that portion of the limits of supply to which the said portion or portions of the undertaking of the Company relates;

(*b*) if either (i) the corporation by resolution so determine and of such their determination give notice in writing to the Company or (ii) the Company so determine and of such their determination give notice in writing to the corporation there shall be substituted for the said period of twenty-one years in the case of the said section 9 such a period as (at the date upon which the corporation shall purchase any such portion of the undertaking of the Company as is referred to in the said section 9) will secure to the Company in perpetuity the net profits earned by the Company in that portion of the limits of supply to which the said portion of the undertaking relates during the year immediately preceding the service of notice upon the Company by the corporation of their desire to purchase.

(3) Any price or compensation payable to the Company by the corporation under the provisions of the agreement or of the said section 9 may at the option of the corporation and notwithstanding anything contained in the agreement or the said section 9 be satisfied by the issue to the Company by the corporation of such an amount of stock of the corporation bearing interest at five per centum per annum and redeemable within a period of not less than thirty years from the date of the issue thereof or such longer period as may be allowed in respect of the redemption of the debt incurred by the corporation for the payment of the said price or

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compensation as will secure to the Company the net profits earnd by them as above mentioned respectively.

(4) The provisions of the agreement and the provisions of the said section 9 and the provisions of this section may from time to time be varied by agreement between the corporation and the Company.

(5) In the event of the corporation purchasing any portion or portions of the undertaking of the Company in pursuance of the agreement or of the said section 9 as respectively modified by or under this section or by any agreement entered into in pursuance thereof the Company and the corporation may enter into and carry into effect agreements for and in respect of the supply of water in bulk by the Company to the corporation and any water supplied in pursuance of any such agreement and used for domestic purposes may if the corporation and the Company so agree be deemed to be water supplied for domestic purposes within the limits of supply within the meaning and for the purposes of section 55 of the Act of 1889 and section 54 of the Act of 1913.

(6) The expression "statutory enactment" in the agreement shall include an order made by the Minister of Health under section 46 of the Local Government Act 1929.

(7) Except so far as the provisions of the agreement and the said section 9 are varied—

(*a*) with respect to the numbers of years' purchase specified in the agreement and in the said section 9 respectively and to the method of satisfaction of the price or compensation payable to the Company by the corporation thereunder by or under subsections (2) and (3) of this section; or

(*b*) by agreement between the corporation and the Company under subsection (4) of this section; or

(*c*) by subsection (6) of this section;

the agreement and the said section 9 (as modified by subsequent agreements between the corporation and the Company entered into prior to the passing of this Act) shall remain in full force and effect.

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84. In addition to any other provisions of the existing Acts and Orders repealed by the foregoing provisions of this Act the following provisions of the under-mentioned Acts and Orders are hereby repealed (that is to say):— Repeal.

The Act of 1889—

Section 34 (Power to take easements &c. by agreement);

Section 35 (Reservation of water rights &c. on sale);

So much of section 38 (For preventing the fouling of water) as provides that the Company shall not be compelled to supply with water any water-closet or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company;

Section 39 (Power to Company to supply water for other than domestic purposes);

Section 42 (Register of meter to be prima facie evidence);

Section 43 (Fraudulently injuring meters &c.);

Section 48 (Where several houses supplied by one pipe each to pay);

Section 49 (Supply of water to tenements in a row);

Section 50 (Regulations for preventing waste of water);

Section 53 (Incoming tenant not liable for arrears);

Section 56 (Liability to water rent not to disqualify justices &c.);

Section 57 (Costs of distress);

Section 58 (Penalties not cumulative).

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The Order of 1910—

Section 16 (New capital to be sold by auction or tender);

Section 22 (Preference shares or stock may be created subject to redemption).

The Act of 1913—

So much of section 60 (New shares or stock to be sold by auction or tender) as relates to the Company;

So much of section 65 (Preference shares or stock may be created subject to redemption) as relates to the Company.

The Order of 1920—

Section 8 (Supply to houses partly used for trade);

Section 9 (Supply by meter in certain cases);

Section 10 (Further provision as to supply by meter for certain purposes);

In section 11 (Rates for supply by meter in certain cases) the words "Notwithstanding anything contained in section 39 (Power to Company to supply water for other than domestic purposes) of the Act of 1889";

Section 15 (As to breaking up of ground for laying of communication pipes).

Saving for general Act.

85. Nothing in this Act shall exempt the Company or their undertaking from the provisions of any general Act which may hereafter be passed relating to charges for the supply of water.

Costs of Act.

86. All costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

CAPITAL OF THE COMPANY AUTHORISED BY THEIR PREVIOUS ACTS AND ORDERS.

(A) STATEMENT OF CAPITAL (Shares).

Act or Order.	Description of Capital.	Amount Authorised.	Amount Raised.	Premiums Received (less Discounts).	Remaining to be Issued.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
Act of 1889 -	Original ordinary £10 shares 10 per cent. - -	40,000 0 0	40,000 0 0	485 18 9	
Order of 1910 -	Ordinary 7 per cent. or preference 6 per cent. £10 shares.	20,000 0 0	Ordinary 8 per cent. 3,380 0 0	484 15 6	42,635 4 6
Act of 1913 as increased by Order of 1920.	Ordinary 7 per cent. or preference 6 per cent. £10 shares (increased by Order of 1920 to ordinary 8 per cent. and preference 7 per cent. in relation to any additional capital authorised by Act of 1913 issued after commencement of that Order).	90,000 0 0	Ordinary 7 per cent. 25,000 0 0 Preference 7 per cent. 6,000 0 0 Preference 5½ per cent. 32,500 0 0		
		£150,000 0 0	£106,880 0 0	£484 15 6	£42,635 4 6

(B) LOAN CAPITAL.

Act or Order.	Amount Authorised.	Amount Borrowed.	Discounts.	Remaining to be Borrowed.
	£	£	£ s. d.	£
Act of 1889 - - - - - - -	10,000	Debentures 5½ per cent. - - 7,800 (Redeemable)	575 15 6	17,320
Order of 1910 - - - - - - -	5,000	Debentures 4 per cent. - - 2,380 (Redeemable)		
Act of 1913 as increased by Order of 1920	22,500	Debenture Stock 5 per cent. - 10,000		
	£37,500	£20,180	£575 15 6	£17,320

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THE SECOND SCHEDULE.

Description of Protective Area.

So much of the parishes of Little Mongeham Northbourne and Tilmanstone in the rural district of Eastry as is situate within the area bounded by a line commencing at the point on the boundary between the said parish of Northbourne (detached No. 2) and the parish of Waldershare (hereinafter called "the point of commencement") where the said boundary is joined by the north boundary of the said parish of Waldershare and thence proceeding in a north-westerly direction along such last-mentioned boundary to the point where it crosses the western boundary of the enclosure numbered 88 in the said parish of Tilmanstone on the $\frac{1}{2500}$ Ordnance map (third edition of 1907 Kent sheet LVIII–5) thence proceeding in a straight line in a north-westerly direction across the enclosures numbered 147 145B and 146 in the same parish on the same Ordnance map and sheet to the north-west corner of the said enclosure numbered 146 thence proceeding in a straight line in a north-westerly direction to the north-west corner of the enclosure numbered 140 in the same parish on the same Ordnance map and sheet thence proceeding in a north-easterly direction along the west boundaries of the enclosures numbered 132 133 103 104 105 and 98 in the same parish on the same Ordnance map and sheet thence proceeding in a north-easterly easterly and north-easterly direction along the west boundary of the enclosure numbered 72A and along the western boundary thereof to the northernmost corner of the enclosure numbered 72B in the same parish on the Ordnance map thereof (third edition 1907 sheet No. LVIII–1) thence proceeding in an easterly direction along the bridle road from Tilmanstone to the old Roman Road to the south-east corner of the enclosure numbered 76 in the same parish on the Ordnance map thereof (third edition 1907 sheet No. LVIII–2) and thence proceeding in a north-easterly direction across the enclosure numbered 73 thereon to the north-east corner thereof and across the enclosures numbered 163 166 and 161 in the said parish of Northbourne on the same Ordnance map and sheet to the westernmost point on the boundary of the enclosure numbered 160 in the same parish on the same Ordnance map and sheet thence proceeding generally in a south-easterly direction along the boundary between the said enclosures numbered 161 and 160 across the said enclosure numbered 166 on the same Ordnance map and sheet and along the boundary between the enclosures numbered 167 245 and 168 in the same parish on the Ordnance map thereof (third edition 1906 sheet No. LVIII–6) to the south corner of the said enclosure numbered 168 thence proceeding in a south-easterly direction

across and to the south-east corner of the enclosure numbered 169 in the same parish on the same Ordnance map and sheet thence proceeding in a south-easterly direction across the enclosure numbered 32 in the said parish of Little Mongeham on the same Ordnance map and sheet to the north corner of the enclosure numbered 38A in the same parish on the same Ordnance map and sheet thence proceeding in a south-westerly direction across the said enclosure numbered 38A to the east corner of the enclosure numbered 59c in the same parish on the same Ordnance map and sheet thence proceeding in a south-westerly direction along the south-east boundaries of the said enclosure numbered 59c and across the enclosure numbered 61 in the same parish on the Ordnance map thereof (third edition 1906 sheet No. LVIII–10) to the west corner of the said enclosure numbered 61 thence proceeding in a north-westerly south-westerly and north-westerly direction along the south-west boundary of the enclosure numbered 65 and the south-east and south-west boundaries of the enclosure numbered 74 in the same parish on the same Ordnance map and sheet to the point where the south-west boundary of the said enclosure numbered 74 produced across the enclosure numbered 73 would join the road from Studdal to East Studdal thence proceeding in a southerly direction along the east side of the said road to the point opposite the junction of such road with the footpath from West Studdal Farm thence proceeding in a north-westerly direction across the said road and along the said footpath to the south-east corner of the enclosure numbered 13 in the said parish of Northbourne (detached No. 2) on the same Ordnance map and sheet thence proceeding in a north-westerly south-westerly and north-westerly direction along the south boundary of the said enclosure numbered 13 and the south-east and south-west boundaries of the enclosure numbered 15 in the same parish on the same Ordnance map and sheet to the westernmost corner of the said enclosure numbered 15 thence proceeding in a straight line in a north-westerly direction across the enclosures numbered 3 and 2 in the same parish on the Ordnance map thereof (third edition 1907 sheet No. LVIII–9) to the said boundary between the said parishes of Northbourne (detached No. 2) and Walderschare and thence proceeding in a north-easterly direction along the said boundary to the point of commencement.

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