# CHAPTER ccxxx.

An Act for incorporating and conferring Powers on the East Warwickshire Waterworks Company. A.D. 1882.

[18th August 1882.]

WHEREAS Nuneaton Bedworth and adjacent parishes and places in the county of Warwick are inadequately supplied with water:

And whereas the persons herein-after in that behalf named with others are willing to provide a better supply of water to those places if incorporated into a company with the necessary powers for that purpose and it is expedient that they be incorporated accordingly and be empowered to make and maintain the works herein-after described:

And whereas it is expedient that the company so to be incorporated be authorised to enter into contracts and arrangements for supplying water in bulk or otherwise to local authorities companies and other bodies:

And whereas plans and sections showing the situations and levels of the works authorised by this Act and also books 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 Warwick and are in this Act referred to as the deposited plans sections and books of reference:

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

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

A.D. 1882.

Short title.

**1.** This Act may be cited as the East Warwickshire Waterworks Act 1882.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c.118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c.106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

**2.** The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 (as amended by the Companies Clauses Act 1869) the Lands Clauses Consolidation Acts 1845 1860 and 1869 (herein-after referred to as "the Lands Clauses Acts") and the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

**3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the company incorporated by this Act the expression "the works" "the waterworks" and "the undertaking" mean respectively the waterworks and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt and not a debt or demand created by statute and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Company incorporated.

**4.** Joseph Ward Knowles Isaac Thomas Townsend John Copson Fowke William Wood Slingsby and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purpose of making and maintaining the waterworks and supplying water within the limits of this Act and for other the purposes of this Act and for those purposes shall be and they are hereby incorporated by the name of "the East Warwickshire Waterworks Company" and by that name shall be a body corporate with perpetual succession and with a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

**5.** The Company shall be established for the purpose of making and maintaining and from time to time renewing the wells pumping

stations reservoirs conduits and works by this Act authorised and for supplying water by measure or otherwise within the limits of this Act and for other the purposes of this Act.

Limits of Act for supply of water.

**6.** The limits of this Act for the supply of water shall be and include the parishes of Ansley Chilvers Coton Nuneaton Bedworth and Bulkington in the county of Warwick except such parts of the said parish of Ansley as are situated northward of the turnpike road leading from Nuneaton past Chapel End to Ansley.

Capital.

**7.** The capital of the Company shall be forty thousand pounds in four thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

**8.** The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

**9.** One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

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

Power to borrow.

**11.** The Company may in respect of the share capital of forty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole ten thousand pounds and of that sum they may borrow not exceeding five thousand pounds in respect of every twenty thousand pounds of such share capital but no part of either of such sums of five thousand pounds shall be borrowed until shares for the portion of capital of twenty thousand pounds in respect of which it is to be borrowed are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so

A.D. 1882.

certifies that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

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

For appointment of a receiver.

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

Debenture stock.

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

Priority of mortgages and debenture stock over other debts.

**15.** All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company in pursuance of any Act relating

to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys

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

First ordinary meeting.

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

Quorum of meetings.

**18.** The quorum to constitute a general meeting of the Company whether ordinary or extraordinary shall be not less than six shareholders holding in the aggregate not less than two thousand pounds nominal value in the capital of the Company.

Number of shareholders to call extraordinary meeting.

**19.** The number of shareholders who may require an extraordinary meeting to be convened shall not be less than six holding in the aggregate not less than two thousand pounds in the capital of the Company.

Number of directors.

**20.** The number of directors shall be five but the Company may from time to time reduce the number provided that the number be never less than three.

Qualification of directors.

**21.** The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

**22.** The quorum of a meeting of directors shall be three unless the number be reduced to three when the quorum shall be two.

First directors.

**23.** Joseph Ward Knowles Isaac Thomas Townsend John Copson Fowke William Wood Slingsby and one other person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power herein-before contained for reducing the

Election of directors.

A.D. 1882.

number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Contracts not to disqualify for office of director.

**24.** Any contract to be made under this Act with any local board corporation or public body shall not disqualify any of the members of such local board corporation or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such local board corporation or public body shall vote upon any question with reference to any contract with such local board corporation or public body.

Power to make waterworks and take lands &c.

**25.** Subject to the provisions of this Act the Company may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the waterworks herein-after described with all proper pipes culverts drains sluices approaches fences excavations wells adits tanks embankments tunnels filters channels levels weirs dams outfalls valves pumps and other works and conveniences and appliances in connexion therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The waterworks herein-before referred to and authorised by this Act are—

1. A well shaft or boring with a reservoir and pumping station (No. 1) with pumping engines engine and boiler houses and other works buildings and conveniences to be situated near Nuthurst Heath in the parish of Ansley in a field or paddock abutting on the west side of the road leading from the village of Ansley to Brown's Farm which field is numbered 596 on the tithe map of the said parish.
2. A well shaft or boring with a reservoir and pumping station (No. 2) with pumping engines engine and boiler houses and other works buildings and conveniences to be situated in a field or paddock at or near Nuthurst Heath numbered 626 on the tithe map of the said parish of Ansley.
3. A conduit aqueduct or line of pipes (No. 3) commencing at the reservoir and pumping station No. 1 and terminating in

the turnpike road leading from Nuneaton past Chapel End to Ansley.

4. A conduit aqueduct or line of pipes (No. 4) commencing at the reservoir and pumping station No. 1 and terminating at the eastern end of Queen Street in the market place in the town of Nuneaton.

The aforesaid works will be wholly situate in the county of Warwick.

Company not to sink well within a certain distance of waterworks at Birchley Heath.

**26.** Notwithstanding anything in this Act contained to the contrary it shall not be lawful for the Company to sink any well within a radius of one mile and a quarter from the site of the waterworks now being or about to be constructed by the rural sanitary authority of the Atherstone Union on or near Birchley Heath or partly on the said heath and partly on land adjacent thereto and at or near the boundary between the parishes of Bentley and Ansley.

Power to take easements &c. by agreement.

**27.** 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 of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Limits of lateral deviation.

**28.** In the construction of the waterworks the Company may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and when in any road no such limits are shown the boundaries of such road shall be deemed to be such limits Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given construct any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections with respect to the corresponding embankment or wall and three feet in addition.

Limits of vertical deviation.

**29.** In the construction of the waterworks the Company may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards Provided that the Company may erect any water-tower stand-pipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Act.

A.D. 1882.

Certain provisions of 10 & 11 Vict. c. 17. to extend to roads &c.

**30.** The clauses and provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to the opening and breaking up by the Company of any turnpike roads public highways or footways or any public bridges within the limits of this Act and also to the laying down and placing of pipes conduits and other works in under and along the said roads highways footways and bridges respectively.

Additional land may be purchased by agreement.

**31.** The Company may from time to time by agreement purchase or acquire for the purposes of this Act any land not exceeding in quantity five acres in addition to the land which they are by this Act authorised to take by compulsion Provided that the Company shall not erect or authorise or permit the erection on any of such land of any buildings other than buildings necessary for or connected with the waterworks.

Power to hold lands for protection of works.

**32.** The Company may hold any lands to be vested in them which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Consolidation Act 1845 respectively Provided always that the Company shall not erect or authorise or permit the erection on any of such lands while so held by them of any buildings other than buildings necessary for or connected with their waterworks.

Restrictions may be imposed upon the sale of superfluous property.

**33.** Upon any sale by the Company under the provisions of the Lands Clauses Consolidation Act 1845 of any lands or hereditaments purchased by them under the powers of this Act the Company may reserve to themselves all or any part of the water or water-rights and other easements thereunto belonging and may sell such lands and hereditaments subject to such reservations and also subject to such special conditions restrictions and provisions with reference to the use of water and for preventing the exercise of noxious trades or business upon the premises and for preventing or regulating the discharge and deposit of manure sewage and other impure matter and liquids as they may think fit.

Period for compulsory purchase of lands.

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

Period for completion works.

**35.** If the works by this Act authorised and shown on the deposited plans are not completed within five years from the passing

of this Act then on the expiration of that period the powers by this Act granted to the Company for executing any such work or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed but nothing in this section shall restrict the Company from renewing extending enlarging altering or removing any of their engines machinery mains pipes works and conveniences and increasing and improving their supply of water from time to time whenever they find it requisite.

Works crossing or affecting railways of London and North-Western Railway Company.

**36.** The Company shall perform observe and be bound by the following stipulations and provisions that is to say:

1. The aqueduct or main pipe No. 4 passing along the road called Swan Lane where that road crosses over the "new railway at Griff" of the London and North-Western Railway Company (in this section referred to as the railway company) shall for the entire length of such crossing and for fifteen feet on each side thereof be of such materials dimensions quality and thickness as the principal engineer of the railway company shall in writing reasonably approve and shall be carried over the said railway either outside the parapet of the bridge carrying Swan Lane over that railway or in such other manner as shall be reasonably approved by the said principal engineer and so as not in any manner to interfere with the structure of the bridge carrying the road or lane over that railway or with that railway.
2. All the works at such crossing and all other mains pipes and works to be laid constructed or executed in exercise of the powers contained in this Act crossing or in any way interfering with or affecting any railways or any of the bridges approaches or other works or any lands or property held used or occupied by the railway company for the purposes thereof respectively and all maintenance repairs and renewals of any such works shall be done and executed by the Company according to plans and specifications to be submitted to and approved in writing by and to the reasonable satisfaction in all respects and under the superintendence of such engineer and in all things at the expense of the Company who shall also make good and repair so much of the roads over any such bridges and approaches which the railway company are or may be liable to maintain as may be disturbed or interfered with by or owing to any operations of the Company and when any such works repairs and renewals are commenced they shall be executed and completed with all due despatch and shall be so constructed executed and maintained so that the said

A.D. 1882.

railways or any of the works thereof respectively shall not be injured nor the traffic thereupon in any way impeded.

3. If any difference or dispute shall arise between the engineers of the respective companies as to the execution of the works referred to in this section the same shall be referred to and settled by an engineer to be agreed upon between the companies or in case of difference to be appointed on the application of either company by the President of the Institution of Civil Engineers and the costs of such arbitration shall be in the discretion of the arbitrator.

4. In case the Company shall not at all times so duly maintain and keep repaired and renewed the said mains or pipes and the works connected therewith at such respective crossings or in case of any accident happening to or defect appearing in or there being any leakage from or bursting of such mains or pipes at or near such respective crossings the railway company may effect such repairs of all works necessary to stop or prevent further damage from such leakage and bursting and recover from the Company the amount of their expenditure in that behalf with full costs by all and the same means as any simple contract debt is recoverable and if by reason of or of the failure of any works operations or proceedings of the Company any of their contractors or the agents servants or workmen of the Company or of their contractors the railways of the railway company or any of the works thereof shall be injured the Company shall forthwith make good the same or in case they shall make default in that behalf then the railway company may make good the same and recover as aforesaid from the Company the amount of their expenditure in that behalf with full costs and if any interruption shall be occasioned to the traffic on the said railways by reason of or of the failure of any works operations or proceedings of the Company or any of their contractors or the agents servants or workmen as aforesaid the Company shall pay to the railway company all costs and expenses to which they may be put as also compensation for all loss to be sustained by them by reason of any such interruption such costs expenses and compensation to be recovered as aforesaid with full costs.

5. Nothing in this Act contained shall prejudice diminish alter or take away any of the rights privileges or powers of the railway company otherwise than is by this Act expressly provided.

For protection of Midland Railway Company.

**37.** In constructing and maintaining the works authorised by this Act where the same will affect the railway works and lands belonging to the Midland Railway Company the Company shall be subject to the following conditions videlicet—

1. All works carrying or affecting the said railway works and lands shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Railway Company and according to plans and specifications to be previously submitted to such engineer and reasonably approved by him in writing provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof.
2. The Company shall not acquire any estate or interest in the lands and property of the Midland Railway Company other than an easement or right of constructing or maintaining therein the works by this Act authorised.
3. The amounts to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

For the protection of the Nuneaton Gas Company.

**38.** In the exercise of the powers of this Act within the limits of the Nuneaton Gas Light and Coke Company Limited (who and their lessees are herein called "the gas company") the Company shall be subject to the following restrictions—

1. They shall avoid as far as they can any interference with the pipes and works of the gas company and cause as little detriment or inconvenience to that company as circumstances admit;
2. If it be necessary for the Company to raise sink or otherwise alter the situation of any pipe or other work of the gas company in under or upon any street or public road they may from time to time by notice in writing require the gas company as soon as conveniently may be to cause any such pipe or work to be raised sunk or otherwise altered in position as the Company direct;
3. If the gas company do not proceed as soon as conveniently may be after the receipt of such notice to cause the work specified therein to be executed the Company may themselves execute such work as they think fit on giving to the

A.D. 1882.

gas company at least forty-eight hours previous notice specifying the time they will begin to do so;

4. The Company shall not execute any such work except under the superintendence of the gas company unless that company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the work and the Company shall execute such work to the reasonable satisfaction of the gas company;

5. The Company shall pay all reasonable expenses to which the gas company may be put and all losses they may incur in executing any such work or on account of any such superintendence as aforesaid;

6. If by reason or in execution of any of the works by this Act authorised to be made or by reason of the bad state of repair of any such works or the leakage of any of the pipes or if by any act or omission of the Company or any of their agents servants or workmen the pipes or other works of the gas company shall be broken or injured or the supply of gas interfered with the Company shall make good any loss or damage that may arise therefrom.

Saving of rights of the Coventry Canal Navigation.

**39.** Nothing in this Act contained shall take away diminish alter prejudice or affect any of the rights and privileges powers or authorities vested in the Company of Proprietors of the Coventry Canal Navigation or authorise or empower the Company to cut into or interfere with the brickwork constituting the arch abutments wing walls or parapets of any bridge over the canal except under the superintendence and to the reasonable requirements of the canal engineer. If by reason or in execution of any of the works by this Act authorised to be made or by reason of the bad state of repair of any such works or the leakage of any of the pipes or if by any act or omission of the Company or any of their agents servants or workmen the Coventry Canal or the towing path thereof shall be so obstructed as that boats barges and other vessels cannot pass or shall be delayed in the passage along the same then and in either of the said cases the Company shall pay to the said Company of Proprietors as or by way of ascertained damages or loss of tolls the sum of twenty-five pounds for every twenty-four hours during which such obstruction shall continue on the canal and in default of payment of the said sum or such proportion thereof as shall become due within seven days after demand in writing the said Company of Proprietors may sue for and recover the same with full costs of suit in any court of competent jurisdiction.

Contracts between Company and other bodies for supply of water.

**40.** The Company may from time to time enter into and carry into effect such contracts and arrangements with any local board of health urban or rural sanitary authority or other local authority road trustees highway board surveyors of highways railway or other company body or persons with respect to a supply of water in bulk and every such contract and arrangement may be for such period on such terms and conditions pecuniary or otherwise as the Company think fit and the Company and the other parties to any such contract or arrangement may from time to time by agreement vary suspend or rescind any such contracts or arrangements and make others in lieu thereof or in addition thereto Provided always that the Company shall not supply water in bulk beyond the limits for the supply of water by this Act authorised nor within those limits for other than domestic purposes if and so long as in either case the affording such supply would prevent the Company from giving a proper and sufficient supply for domestic purposes within the limits by this Act authorised.

Domestic supply not to be prejudiced.

Constant pressure &c.

**41.** Water supplied under this Act need not be constantly laid on under pressure but the Local Government Board may at any time or times hereafter order that the water to be supplied under this Act within the whole or any part of the Company's water limits shall be constantly laid on under pressure and the Company shall be bound by such order as if the same were herein enacted and with a view to the better execution of the provisions of this section the Company shall on the first day of February in every year report to the Local Government Board within what parts of the Company's water limits the water supplied by the Company is not constantly laid on under pressure.

Differences with railway and other companies.

**42.** Except as otherwise provided in this Act if any difference arise between the Company and any railway canal or other company or body whose lands or works the Company have power or require to cross as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Rates for supply of water for domestic purposes.

**43.** The Company shall at the request of every person entitled to demand a supply of water furnish to the occupier of every dwelling-house or part of a dwelling-house to which the request relates a sufficient supply of water for the domestic purposes of every such occupier at any rates not exceeding the following rates (that is to say)—

A.D. 1882.

Where the gross estimated rental of a house or part of a house does not exceed six pounds at a rate not exceeding eight shillings and eightpence per annum and so in proportion for any shorter period;

Where the gross estimated rental of a house or part of a house exceeds six pounds and does not exceed thirty pounds at a rate not exceeding six pounds and ten shillings per centum per annum on such gross estimated rental and so in proportion for any shorter period;

Where such gross estimated rental exceeds thirty pounds and does not exceed seventy pounds at a rate not exceeding six pounds per centum per annum on the amount of such gross estimated rental and so in proportion for any shorter period;

Where such gross estimated rental exceeds seventy pounds at a rate not exceeding five pounds and ten shillings per centum per annum on the amount of such gross estimated rental and so in proportion for any shorter period;

All inns and hotels whether public or private to which the supply is laid on shall be liable to a rate not exceeding seven pounds ten shillings per centum on the amount of the gross estimated rental. The gross estimated rental shall for the purposes of this section be ascertained by the valuation list for the time being in force in the parish or district in which the dwelling-house in respect of which the water rate is made is situate and if there be no such valuation list then by the last rate for the relief of the poor made in respect of such dwelling-house.

Rates for waterclosets and baths.

**44.** In addition to the rates for the supply of water for domestic purposes the Company may charge in any one year in respect of one bath supplied with water in or belonging to any private dwelling-house the sum of ten shillings and in respect of every watercloset in excess of one and of every bath in excess of one the sum of five shillings.

Rates payable quarterly in advance.

**45.** The rates for a supply of water shall be payable in advance by equal quarterly payments on the usual quarter days.

Water for other than domestic purposes to be supplied by agreement.

**46.** The Company may supply any person with water for other than domestic purposes within the limits of this Act by meter or otherwise for such remuneration and on such terms and conditions as are agreed on between the Company and the person desirous of having the supply Provided always that the Company shall not supply water for other than domestic purposes so as in any way to

interfere with or unduly diminish the supply of water for domestic purposes.

Penalty for using water for other than domestic purposes without agreement.

**47.** Every person using for other than domestic purposes any water of the Company without having previously agreed with them for a supply of water for other than domestic purposes or any person using for any purpose other than the purposes so agreed on any water so supplied by the Company shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Power to lay water pipes against buildings.

**48.** The Company with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of affording a supply of water to any such building or of watering any street road market place or public building or place and may with the like consent provide and set up any apparatus necessary for securing to such building street road market place or public building or place a proper and complete supply of water and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

For preventing fouling of water.

**49.** The Company shall not be obliged to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed of such strength material size and on such principle as the Company approve and are used and maintained so as to prevent the waste or undue consumption of the water of the Company and the access of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company nor unless such bath shall be so constructed that it will not contain when filled for use more than fifty gallons of water.

For preventing frauds and waste of water.

**50.** If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

Company's officers to enter buildings.

**51.** The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine of the clock in the forenoon and four of the clock in the afternoon enter

A.D. 1882.

any building or place supplied with water by the Company in order to inspect any watercloset or bath or the apparatus or pipes connected therewith and to see whether the provisions of this Act relating thereto are complied with and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier if there be an occupier and if there be no occupier then the owner or lessee of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Entry on premises to cut off supply in certain cases.

**52.** In all cases in which the Company are authorised to cut off the pipe or turn off water from any premises the Company their agents or workmen (after giving notice to the owner or occupier as herein-before provided) may enter into any such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water of the Company shall be supplied to such premises and any person or persons preventing or obstructing or in anywise interfering with the Company their officers servants or workmen while effecting or endeavouring to effect such entry and cutting off any pipe shall for every such offence forfeit and pay to the Company a penalty not exceeding forty shillings and such penalty may be enforced and recovered by the Company by all or any of the methods open to the Company for the recovery of water rates or penalties from consumers of water supplied by the Company.

Mode of giving notice.

**53.** The notice to be given previous to such entry shall be in writing and shall be served in manner following (that is to say)—

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

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

If the premises be unoccupied and the owner thereof or his usual place of abode be not in England or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry and for the purposes of this provision any person receiving the rents of any such premises either on his

own account or as agent or trustee for any other person or who would so receive the same if such premises were let at a rent shall be deemed the owner of such premises.

Service pipes.

**54.** The service pipes to communicate with the mains and pipes of the Company and the fittings connected therewith shall be laid placed and removed under the superintendence of the Company and at the expense of the persons requiring or having the supply and either by the Company or some person approved by the Company.

Power to remove meters and fittings.

**55.** The Company by their agents or workmen after giving forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if unoccupied then to the owner or lessee of any land house or building in which any pipes mains meters or fittings belonging to the Company are laid or fixed and through or in which the supply of water shall from any cause other than the neglect or default of the Company or their servants be discontinued may enter such land house or building between the hours of nine in the forenoon and four in the afternoon or with the authority in writing of a justice at any other time and may remove such pipes mains meters or fittings but repairing all damages caused by such removal and every such notice shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or sent by post addressed to such person or if such person or his address be not known to the Company and cannot after due inquiry be found or ascertained then by being affixed for forty-eight hours to some conspicuous part of such land house or building.

Meters not to be connected or disconnected without notice to Company.

**56.** No person shall connect any meter with any pipe through which any water is supplied by the Company to such meter or disconnect any meter from such pipe unless he shall have given to the Company not less than twenty-four hours notice in writing of his intention so to do and obtained their consent in writing and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

**57.** Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon have access to and be at liberty to take off remove test inspect and replace any meter belonging to a

A.D. 1882.

consumer such taking off removal testing and inspection and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Register of meter to be primâ facie evidence.

**58.** The register of the meter shall be primâ facie evidence of the quantity of water consumed in respect of which any water rent is charged and sought to be recovered by the Company Provided always that if the Company and the consumer differ as to the quantity consumed such difference may be determined upon the application of either party by two justices 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.

Fraudulently injuring meter.

**59.** Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipes meters or fittings belonging to the Company or alters the index to any meter or prevents any meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses the water of the Company shall without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender for every such offence forfeit and pay to the Company a sum not exceeding five pounds and the Company may in addition thereto recover the amount of any damages by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipes meter or fittings belonging to the Company or altered the index to any meter or prevented any meter from duly registering the quantity of water supplied the Company may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending (notwithstanding any contract previously existing) and the existence of artificial means for causing such alteration or prevention or for abstracting consuming or using water of the Company when such meter shall be under the custody or control of the consumer shall be primâ facie evidence that such alteration prevention abstraction or consumption as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such meter.

Power to Company to supply materials &c.

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

materials and do all works necessary or proper in that behalf and the cost of providing such materials and executing such work shall be paid by the person requiring the same.

Regulations to be made for preventing waste of water &c.

**61.** It shall be lawful for the Company from time to time to make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the contamination waste or misuse of water within the whole or any part of the Company's water limits within which the Company is bound to supply water constantly under pressure and thereby amongst other things to prescribe the size nature and strength of the pipes cocks cisterns and other apparatus whatsoever to be used and to interdict any arrangements and the use of any pipes cocks cisterns or other apparatus which may tend to such contamination waste or misuse as aforesaid Provided always that no such regulations shall have effect unless and until they have been approved by the Local Government Board.

Confirmation of regulations.

**62.** No such regulation shall be confirmed by the Local Government Board until the expiration of ten days after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulation shall have been given by or on behalf of the Company to the several local authorities (as defined by the Public Health Act 1875) within the limits of this Act who may within the said period of ten days make such representation with reference thereto to the Local Government Board as such authorities shall deem expedient Provided that if the said Board do not confirm or do not refuse to confirm any regulations so submitted within three calendar months after submission such regulations shall be deemed to have been duly confirmed.

38 & 39 Vict. c. 55.

Publication of regulations.

All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company which copy shall be open to the inspection of all persons at all reasonable times without payment and the Company shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

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

A.D. 1882.

For enforcing regulations.

In case of failure of any person to obey such regulations as are for the time being in force the Company may if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipes cocks cisterns and other apparatus whatsoever belonging to or used by any person supplied by them and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by the Company summarily.

Power to sell or let meters.

**63.** The Company may from time to time sell and dispose of meters subject to such terms (pecuniary and otherwise) and conditions as the Company think fit and the Company may let for hire any meter for ascertaining the quantity of water consumed or supplied and any fittings thereto for such remuneration in money and on such terms with respect to repair of such meter and fittings and for securing the safety and return to the Company of such meter and fittings as may be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as the water rents due to the Company and such meters and fittings shall not be subject to distress for rent of the premises where the same are used or be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons having possession thereof.

Incoming tenant not liable for arrears.

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

Company not bound to supply several houses by one pipe.

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

Recovery of sums due.

**66.** If any person fails to pay any water rent meter rent or rate due to or recoverable by the Company under this Act then if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned) and any justice may issue his warrant accordingly and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such water rent meter rent or rate.

Representation of the Company in

**67.** In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement or composition with

creditors the secretary of the Company or any person appointed in his behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim of such secretary or person and not of the Company. bankruptcy &c.

Notice of discontinuance.

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

Liability to rates not to disqualify justices.

**69.** No justice or judge of any county court shall be disqualified from acting in the execution of this Act by reason of his being liable to any rate or sum under this Act.

Contents of summons &c.

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

Costs of distress.

**71.** Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of the rate or sum shall be paid by the person liable to pay the rate or sum and the costs shall be ascertained by the justice and shall be included in the warrant of distress for the recovery of the rate or sum.

Penalties not cumulative.

**72.** Penalties imposed by several Acts for one and the same offence shall not be cumulative and for this purpose this Act and each of the several Acts incorporated herewith shall be deemed a separate Act.

Costs of Act.

**73.** All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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