CHAPTER cxlvii.

An Act for the granting of further powers to the Folkestone Waterworks Company. [25th July 1898.]

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WHEREAS the Folkestone Waterworks Company (in this Act called "the Company") were incorporated by the Folkestone Waterworks Act 1848 and acting under the powers of that Act and of the Folkestone Waterworks Amendment Act 1855 the Folkestone Waterworks Acts Amendment Act 1858 the Folkestone Waterworks Acts Amendment Act 1864 the Folkestone Waterworks Act 1871 and the Folkestone Waterworks Act 1888 (which Acts are in this Act referred to collectively as "the Company's Acts" and each of them separately as an Act of the year in which the same was passed) have raised in and by the sale of shares and preference stock a capital of ninety-nine thousand nine hundred and eighty-five pounds three shillings and five pence and have created and issued debenture stock to the amount of nineteen thousand eight hundred and seventy-five pounds and have constructed a system of waterworks whereby they are authorised to supply with water the parish and borough of Folkestone that part of the former parish of Folkestone which now forms part of the parish of Hawkinge the parish of Folkestone-next-Sandgate the parish of Sandgate and that part of the parish of Cheriton (including Shorncliffe camp) which is not within the municipal borough of Hythe all in the county of Kent:

11 Vict. c. vi. 18 Vict. c. vii. 21 Vict. c. x. 27 Vict. c. v. 34 Vict. c. xxvi. 51 & 52 Vict. c. xxv.

And whereas in view of the increasing population and demand for water within the said limits for the supply of water by the Company it is expedient that the Company be empowered to obtain an additional supply of water and to construct additional works:

And whereas it is expedient that the limits within which the Company are authorised to supply water should be extended:

And whereas it is expedient that the Company be authorised to raise additional capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas it is expedient that the powers of the Company be enlarged and that the Company's Acts be extended and amended:

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

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and also 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 of or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are herein-after referred to as the deposited plans sections and book of reference:

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):—

Short title.

1. This Act may be cited as the Folkestone Water Act 1898.

Incorporation of general Acts.

2. The following Acts and part of Act namely:—

The Lands Clauses Acts;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing such portion of the line or lines of pipes by this Act authorised as are to be made in tunnel); and

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the former of those Acts "with the consent "in writing of the owner or reputed owner of any such house "or of the agent of such owner";

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act:

And the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders except section 66 ("Ordinary meetings to be held half-yearly");

The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

Interpretation.

3. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings:

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions "the railway" "the work" and "the centre of the railway" respectively mean the said portions of the line or lines of pipes by this Act authorised.

Extension of limits of water supply.

4. The limits within which the Company may supply water are hereby extended so as to include the following parishes in the county of Kent herein-after referred to as the additional limits (that is to say):—

The parishes of Hawkinge Alkham Capel-le-Ferne and Lydden:

And for the purposes of such supply and subject to the provisions of this Act the Company shall have and may exercise all the powers rights privileges and authorities and shall be subject to the same obligations as they now have and may exercise or are subject to under the provisions of the recited Acts and the provisions of the recited Acts so far as the same are respectively in force at the passing of this Act shall subject to the provisions of this Act extend and apply to the additional limits and the supply of water thereto:

Provided that if at any time after the expiration of seven years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of a parish within the additional limits the local authority who but for the passing of this Act would be empowered to supply water in such parish may provide a supply in the whole or any part of such parish within the additional limits 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 parish within the

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additional limits not sufficiently supplied by the Company as if in either case there were no Company authorised by this Act to supply water therein :

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

Power to construct works.

5. Subject to the provisions of this Act the Company in the lines and situation and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain in the county of Kent the works shown on the deposited plans among which are the following principal works (that is to say) :—

(1) A pumping station (No. 1) with a well borings and other works and conveniences connected therewith to be wholly situate in the parish of Lydden in a field belonging or reputed to belong to the Ecclesiastical Commissioners and in the occupation of Elizabeth Taverner :

(2) An adit or heading (No. 1) to be wholly situate in the parish of Lydden commencing at or in the well at the said intended pumping station (No. 1) and terminating at a point fourteen chains or thereabouts measured in a north-westerly direction from the said well :

(3) An adit or heading (No. 2) to be wholly situate in the parish of Lydden commencing at or in the well at the said intended pumping station (No. 1) and terminating at a point fourteen chains or thereabouts measured in a south-easterly direction from the said well :

(4) An adit or heading (No. 3) to be wholly situate in the parish of Lydden commencing at or in the well at the said intended pumping station (No. 1) and terminating at a point ten chains or thereabouts measured in a south-westerly direction from the said well :

(5) A waste water drain (No. 1) to be wholly situate in the parish of Lydden commencing at or in the well at the said intended pumping station (No. 1) and terminating in the pond adjoining the public highway opposite the Bell Inn in the village of Lydden :

(6) A line or lines of pipes (No. 1) commencing in the parish of Lydden at or in the said intended pumping station (No. 1) and terminating in the parish of Hawkinge in the service tank herein-after mentioned :

(7) A service tank to be wholly situate in the parish of Hawkinge in and near to the southern boundary of a field or enclosure

belonging or reputed to belong to the Earl of Radnor and in the occupation of Adam Daniels:

(8) A pumping station (No. 2) with a well borings and other works and conveniences connected therewith to be wholly situate in the parish of Alkham in a field belonging or reputed to belong to Francis Drake Brockman and in the occupation of Thomas Seath:

(9) An adit or heading (No. 4) to be wholly situate in the parish of Alkham commencing at or in the well at the said intended pumping station (No. 2) and terminating at a point eleven chains or thereabouts measured in an easterly direction from the said well:

(10) An adit or heading (No. 5) to be wholly situate in the parish of Alkham commencing at or in the well at the said intended pumping station (No. 2) and terminating at a point eleven chains or thereabouts measured in a westerly direction from the said well:

(11) An adit or heading (No. 6) to be wholly situate in the parish of Alkham commencing at or in the well at the said intended pumping station (No. 2) and terminating at a point fourteen chains or thereabouts measured in a northerly direction from the said well:

(12) A waste water drain (No. 2) to be wholly situate in the parish of Alkham commencing at or in the well at the said intended pumping station (No. 2) and terminating at a point twenty-five chains or thereabouts measured in a north-easterly direction from the said well and nineteen chains or thereabouts measured in a southerly direction from the western corner of the southernmost building of the farmstead known as Hopton Farm:

(13) A line or lines of pipes (No. 2) wholly situate in the parish of Alkham commencing at or in the well at the said intended pumping station (No. 2) and terminating by a junction with the said intended line or lines of pipes (No. 1) at a point in the highway leading from South Alkham to Lower Standen fifteen chains or thereabouts measured in a southerly direction from the farmhouse known as Drellingore:

(14) A line or lines of pipes (No. 3) commencing in the parish of Hawkinge in the intended service tank herein-before mentioned and terminating in the parish of Folkestone in the highest existing service tank of the Company situate at or near to their waterworks at Cherry Gardens.

Power to make subsidiary works.

6. The Company in addition to the foregoing works may from time to time upon any lands acquired or to be acquired by them

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make and maintain all such cuts channels adits shafts drifts catch-waters aqueducts culverts tunnels drains sluices by-washes weirs gauges gauge basins pumping stations tanks basins wells water towers filter beds banks walls roads ways approaches engines pumps machinery telegraphs telephones apparatus and appliances as may be necessary or convenient in connexion with the before-mentioned works or any of them or for obtaining filtering storing distributing using and preventing the fouling waste misuse and undue consumption of their water or for the general purposes of their undertaking but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them:

Provided that any telegraphs and telephones constructed under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869.

Power to take lands.

7. Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they require for the purposes of the works by this Act authorised or any of them.

Limits of deviation.

8. In the construction of the works authorised by this Act the Company may deviate to any extent not exceeding the limits of the deviation shown on the deposited plans and where on any road no such limits are shown the boundaries or fences of such road shall be deemed to be such limits and they may also deviate from the levels shown on the deposited sections to any extent not exceeding in any one place as regards the waterworks other than wells borings adits or headings ten feet upwards and ten feet downwards and as regards wells borings adits and headings forty feet upwards and to any extent downwards Provided that no part of any line of pipes shall be constructed or laid so as to be above the surface of the ground unless so shown on the plans or sections and then only to the extent so shown.

For protection of South Eastern Railway Company.

9. The provisions of section 7 (For the protection of the South Eastern Railway Company) of the Folkestone Waterworks Act 1888 shall extend and apply mutatis mutandis to any mains or pipes which the Company may lay down relay replace or repair in or along any road in the parish of Capel-le-Ferne and which crosses the South Eastern Railway by a bridge or on the level.

For protection of main roads and county bridges.

10. Any alteration repair or improvement of any of the bridges or roads repairable by the county council of Kent or any alteration of or in the position of the same may be made as if this Act had not passed and if any such alteration repair or improvement

necessitates any alteration either temporary or permanent in the level or position of any of the works by this Act authorised to be made or placed in over or through any of the bridges or roads aforesaid or necessitates any support either temporary or permanent to any such works the Company shall after fourteen days notice in writing by the county surveyor on behalf of the said county council forthwith make such alteration or afford such support at their own expense.

Period for completion of works.

11. If the works authorised by this Act are not completed within the period of ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this Act shall restrict the Company from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus filter beds mains pipes or other works or plant at any time and from time to time as occasion may require.

Power to take and use waters.

12. Subject to the provisions of this Act the Company may collect impound take use store and appropriate for the purposes of the said intended works and of their undertaking all such springs streams and waters as may be found in on or under any of the lands for the time being belonging to the Company or under any lands in respect of which they have or may acquire easements.

Company to give constant supply from 1st January 1901.

13. Section 11 (Company not required to supply water on the constant system excepting for stated hours) of the Folkestone Waterworks Acts Amendment Act 1858 and section 5 (As to supply of water) of the Folkestone Waterworks Act 1888 shall be repealed as from the first day of January one thousand nine hundred and one.

Water to be constantly laid on under pressure.

14. Notwithstanding anything contained in the Company's Acts the Company shall from and after the first day of January one thousand nine hundred and one provide and keep in the pipes laid down and to be laid down by them a supply of pure and wholesome water sufficient for the domestic use of the inhabitants within the limits within which the Company may supply water who shall be entitled to demand a supply and such supply shall be constantly laid on at such a pressure as will make the water reach the top storey of the highest houses erected or to be erected within those limits Provided that the Company shall not be compelled to supply water at a greater pressure within the borough than will be sufficient to make such water rise three hundred feet above the Ordnance datum or at a greater pressure without the borough than can be afforded by gravitation from the service tank from which such supply is furnished.

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Byelaws for preventing waste &c. of water.

15. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say):—

(1) The Company may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination:

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

(3) All such byelaws shall be subject to the provisions contained in sections 182 to 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 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:

(4) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by

such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable:

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

Maximum price of water supplied by agreement except for shipping.

16. The Company for any water they may agree to supply under the provisions of section 25 of the Act of 1848 shall not charge after a higher rate per one thousand gallons than one shilling and sixpence if supplied for other than domestic public or shipping purposes nor than one shilling if supplied to the mayor aldermen and burgesses of the borough of Folkestone for public purposes.

Power to supply water beyond limits.

17.—(1.) The Company and any county urban district rural district or parish council and any public authority or body and any company or person within or without the limits for the time being of the Company for the supply of water may enter into and fulfil contracts and agreements for or in relation to the supply of water in bulk by the Company to such council authority body company and person respectively for the purposes aforesaid or any of them Any such purpose shall be deemed to be a purpose of the Public Health Act 1875 The Company for the purposes aforesaid may exercise the powers of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes but only with the consent of the local authority of the district in which such streets are situate.

(2.) Nothing in this section shall authorise the Company to supply water within the statutory limits of supply of any local authority or company without the consent in writing of such authority or company.

(3.) The Company shall not supply any water under the provisions of this section if and so long as the affording such supply would interfere with the supply of water for domestic purposes within the limits for the time being of the Company for the supply of water.

Power to acquire additional lands.

18. Subject to the provisions of this Act the Company in addition to the other lands they are by this Act authorised to acquire may

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enter upon take and use compulsorily or by agreement and hold the following lands (that is to say) :—

A field in the said parish of Folkestone numbered 32 on the $\frac{1}{2500}$ Ordnance map of that parish (printed in 1892) and so much of the field in the same parish numbered 38 on the same map as is bounded on the north by the said field numbered 32 on the north-east by the occupation road in the said field 38 on the west partly by property of or reputed to belong to the Company and partly by the western side of the continuation southward of that part of the said occupation road which passes along the west side of the said field numbered 32 and on the south partly by the said property of or reputed to belong to the Company and partly by the field numbered 39 on the same map :

A field in the said parish of Folkestone numbered 39 on the same map and so much of the fields numbered respectively 35 and 36 on the same map as lies to the east of a line drawn due south from the south-eastern corner of the field numbered 30 on the same map to meet the road leading from Tile Kiln Lane to Cæsar's Camp :

So much of the land in the said parish of Folkestone numbered 27 on the said $\frac{1}{2500}$ Ordnance map of that parish as does not already belong to the Company :

So much of the field in the said parish of Folkestone numbered 47 on the $\frac{1}{2500}$ Ordnance map (printed in 1892) of the said parish as is situate north of an imaginary line drawn due west from a point on the eastern boundary of the said field situate about ten chains north of the south-east corner of the same field :

Certain lands in the said parish of Hawkinge numbered on the $\frac{1}{2500}$ Ordnance map (printed as to one part in 1892 and as to the other part in 1896) of that parish 166 152 148 150 151 163 162 155 158 157 156 159 160 and 123 :

Certain lands in the parish of Newington numbered on the $\frac{1}{2500}$ Ordnance map (printed in 1896) 151 155 and 149.

Period for compulsory purchase of lands.

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

Power to take additional lands by agreement.

20. The Company may for the purposes of their undertaking acquire by agreement either in fee simple or for any term or terms of years (not being in any case less than ninety-nine years) in addition to lands which they are already authorised to hold under the powers of any of the Acts herein-before mentioned or to take by compulsion under the powers of this Act any lands not exceeding

in the whole one hundred acres or any easement right or privilege therein thereunder or thereover (not being an easement right or privilege of water in which other than the grantors have an interest) but the Company shall not deal with such lands so as to permit or create a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company.

Power to grant easements &c.

21. 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 in fee either absolutely or in consideration of any yearly or other rent any easement right or privilege (not being an easement right or privilege of water in which other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the 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.

For protection of Radnor settled estates.

22. Whereas the Right Honourable William Earl of Radnor (in this section referred to as "the Earl") has granted to the Company facilities for obtaining an additional supply of water for the purposes of their undertaking It has therefore been agreed between the Earl and the Company and it is hereby enacted that notwithstanding anything in any of the Company's Acts interpreted in the preamble or in this Act contained the following provisions for the protection of the lands situate in the county of Kent and for the time being subject to the uses trusts powers and provisions in and by the will of the late Jacob Earl of Radnor now deceased declared and contained of and concerning the lands thereby settled to uses under which the Earl is now tenant for life (which lands are in this Act referred to as "the Radnor settled estates") shall be binding on the Company and full effect shall be given thereto (that is to say) :—

(A) As regards any lands forming part of the Radnor settled estates and in or under which the Company may have already laid or may hereafter require to lay mains or pipes for the purposes of this Act the Company shall not (unless and until they shall require such same lands for any other purposes besides the laying of mains and pipes as aforesaid) acquire the freehold of such lands but shall only acquire an easement under or through the same for laying and maintaining the said mains and pipes in or under the same and no other easement or right in or over the same :

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(b) As regards the lands forming part of the Radnor settled estates and numbered respectively on the deposited plans 2 and 3 in the parish of Capel-le-Ferne 3 7 12 13 14 16 17 18 19 and 20 in the parish of Hawkinge and 2 in the parish of Folkestone the Company shall not acquire any part of such lands (otherwise than by acquiring an easement for laying and maintaining mains and pipes thereunder as herein-before referred to) the acquisition of which shall not be absolutely necessary for the protection of the waters authorised to be taken by the Company and in case of dispute as to whether any part thereof shall be necessary as aforesaid the same shall be submitted to the engineer of the Company and the engineer of the Earl or his sequels in estate (or in case of his or their disability by infancy or otherwise of the trustees for the time being of the Radnor settled estates) as arbitrators or (if they disagree) their umpire to be appointed in writing before they proceed to act and such submission shall be deemed to be a submission to arbitration under the Arbitration Act 1889 Provided that in no case shall the Company take or acquire any land which may be necessary or requisite for widening the existing road round Cæsar's Camp (being the road forming the eastern boundary of the lands delineated on sheet No. 6 of the deposited plans and abutting on the lands thereon numbered 3 and 7 in the parish of Folkestone and 21 in the parish of Hawkinge) to a width not exceeding 50 feet:

(c) The Company shall not at any time interfere with or obstruct the existing occupation way or road across the land numbered 3 on the $\frac{1}{2500}$ Ordnance map of the parish of Capel-le-Ferne (printed in 1885) without having previously provided in substitution and absolutely secured to or for the benefit of the Radnor settled estates and the owner or owners thereof for the time being a good and sufficient occupation way or road leading from the main road to the point at which the said existing occupation way or road enters the land numbered 6 on the said map:

(d) If the Company should require to purchase for the purposes of their undertaking the following lands or any of them (that is to say):—

Certain lands in the said parish of Capel-le-Ferne numbered 3 and 6 on the $\frac{1}{2500}$ Ordnance map (printed in 1885) of that parish and that part of the land numbered 5 on the same map which lies to the north or north-east of an imaginary line being a continuation of the south-western

boundary line of the lands numbered respectively 538 and 6 on the same map; and

Certain lands in the parish of Alkham respectively numbered 538 546 and 547 on the $\frac{1}{2500}$ Ordnance map of that parish (printed in 1885)

the Earl will sell to the Company the lands so required subject to the rights and interests of any lessees and occupiers thereof respectively for such consideration as may be agreed on between the Earl and the Company or as failing agreement shall be settled in manner provided by the Lands Clauses Acts for settling cases of disputed compensation:

(E) If the Company shall in the execution of their works or in any other way or by any other means cause to be materially interfered with the supply of water (whether superficial or subterranean) as now existing to the parts of the Radnor settled estates known as Lower Standen Farm and Coombe Farm respectively the Company shall thereupon and during such material interference at their own cost provide and maintain for the use of the lessees tenants and occupiers of the said farms and every part thereof respectively such a supply of water (both superficial and subterranean) as shall be sufficient to provide and maintain as ample a supply thereto as the now existing supply and the Company shall at all times during such interference keep the said parts of the Radnor settled estates and the Earl and his sequels in estate and his and their trustees lessees tenants occupiers and assigns indemnified against all claims and demands by all tenants and others for compensation or otherwise by reason or on account of the Company having abstracted or interfered with the supply of water (whether superficial or subterranean) as now existing to the said parts of the Radnor settled estates.

Power to hold lands.

23. The Company may hold any lands which they may acquire under the authority of this Act (except lands forming part of the Radnor settled estates) free from the provisions of the Lands Clauses Consolidation Act 1845 or of the existing Acts of the Company with respect to superfluous lands.

Power to agree with landowners as to drainage.

24. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands 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 of or belonging to the Company or in which they are interested.

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Restrictions on displacing persons of labouring class.

25.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(*a*) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(*b*) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the

scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the consolidated fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8.) The Local Government Board may direct any inquiries to be held by their inspectors which the Board may deem necessary in relation to any scheme under this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(9.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and

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issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(10.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

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

Power to sell or let meters &c.

26. The Company may manufacture purchase hire sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meters and fittings and for securing safe access to and the safety and return to the Company of such meters and fittings as the Company may prescribe or as may be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as water rates rents or charges due to the Company.

Power for Company to supply materials &c.

27. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied

or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances as are required in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Power to remove meters and fittings.

28. The Company after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Rate for supply of water for domestic purposes.

29. Notwithstanding anything contained in the Company's Acts the Company shall from and after the twenty-fifth day of December one thousand eight hundred and ninety-eight at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled to demand from the Company a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at a rate per centum per annum not exceeding seven pounds upon the rateable value of the premises so supplied and in addition to the foregoing charges the Company may in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises charge a sum not exceeding five shillings per annum.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

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Company may raise additional capital.

30. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole two hundred thousand pounds by the creation and issue at their option of new ordinary shares or stock or of new ordinary shares or stock and new preference shares or stock in equal amounts which shares or stock shall for all purposes form part of the general capital of the Company :

Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the said sum of two hundred thousand pounds.

As to vesting of new shares.

31. The Company shall not issue any share created under the powers of this Act of less nominal value than ten pounds nor shall any such share or any stock vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof.

Limit of dividend on new capital.

32. The Company shall not in any year declare or make out of their profits any larger dividends on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency on such additional capital as shall have been issued as ordinary capital and which shall have fallen short of the said sum of seven pounds.

Power to borrow in respect of additional capital.

33. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any moneys not exceeding in the whole one fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the

Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Repealing existing provisions as to receiver.

34. Section 21 (For appointment of a receiver) of the Folkestone Waterworks Act 1888 is hereby repealed 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 any such provision.

Appointment of receiver.

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

Certain sections of Act of 1888 incorporated.

36. The following sections of the Act of 1888 (that is to say):—

Section 10 (As to votes of proprietors of shares or stock);

Section 12 (Dividends on different classes of shares or stock to be paid proportionately);

Section 13 (New shares or stock to be offered by auction or tender);

Section 14 (Time for paying up shares or stock sold by auction);

Section 15 (Notice to be given as to sale &c. of shares or stock);

Section 16 (Shares or stock not sold by auction or by tender to be offered to shareholders);

Section 17 (Application of premium arising on issue of shares or stock);

Section 22 (Debenture stock); and

Section 23 (As to conversion of borrowed money into capital)

shall extend and apply mutatis mutandis to and in relation to the additional capital by this Act authorised to be raised and the money by this Act authorised to be borrowed by mortgage and debenture stock respectively Provided that at any sale of new shares or stock by auction or tender no single lot of shares or stock shall comprise more than two hundred pounds nominal value of shares or stock.

Application of sums raised under this Act.

37. All and every part of the sums of money which the Company are by this Act authorised to raise by new shares or stock or by

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borrowing or by debenture stock shall be applied only to the purposes of this Act and to the general purposes of their undertaking being in all cases purposes to which capital is properly applicable.

Costs of Act.

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

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