CHAPTER cxix.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to St. Ives (Hunts) Gas, Otley Gas, Pocklington Water, and Marlow Water. A.D. 1889.

[26th July 1889.]

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore 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:

1. This Act may be cited as the Gas and Water Orders Confirmation Act, 1889. Short title.

2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect. Confirmation of Orders in schedule.

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders, without the consent of the Local Government Board, purchase or acquire in any city, Special provision as to houses of labouring class.

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borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which after the passing of this Act have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

SCHEDULE OF ORDERS.

St. Ives (Hunts) Gas.—Order empowering the St. Ives (Hunts) Gas Company (Limited) to maintain and continue Gasworks and to make and supply Gas in the parishes of St. Ives Fenstanton Hemingford Grey and Hemingford Abbots all in the county of Huntingdon.

Otley Gas.—Order empowering the Otley Gas Company to maintain and continue Gasworks and to manufacture and supply Gas within the parishes townships or places of Otley Newall-with-Clifton Farnley and Weston all in the West Riding of the county of York.

Pocklington Water.—Order empowering the Pocklington Water Company, Limited, to construct and maintain Waterworks, and to supply Water, in the parish of Pocklington in the East Riding of the county of York.

Marlow Water.—Order empowering the Great Marlow Water Company (Limited) to maintain and continue Waterworks and to supply Water in the parishes of Great Marlow Little Marlow Wooburn and Medmenham all in the county of Bucks and Bisham in the county of Berks.

ST. IVES (HUNTS) GAS.

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St. Ives (Hunts) Gas.

Order empowering the St. Ives (Hunts) Gas Company (Limited) to maintain and continue Gasworks and to make and supply Gas in the Parishes of St. Ives Fenstanton Hemingford Grey and Hemingford Abbots all in the County of Huntingdon.

Short title.

1. This Order may be cited as the St. Ives (Hunts) Gas Order 1889.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as the "commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 (except sections thirty to thirty-four both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of theUndertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order: Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act 1847 shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates of dividend as defined by this Order together with any sum which under the provisions of this Order may lawfully be carried to the insurance fund.

Interpretation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of St. Ives Fenstanton Hemingford Grey and Hemingford Abbots all in the county of Huntingdon.

Undertakers.

Undertakers.

6. The St. Ives (Hunts) Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

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St. Ives (Hunts) Gas.

Capital.

Capital.

7. The capital of the Undertakers for the purposes of the undertaking shall consist of the original capital of ten thousand pounds already raised or authorised to be raised by the Undertakers (in this Order referred to as the "original capital") and of additional capital not exceeding two thousand five hundred pounds (in this Order referred to as the "additional capital") and the original and additional capital of the Undertakers for the purposes of the undertaking shall not exceed twelve thousand five hundred pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers offer the same for sale by public auction or tender in such manner and at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

Proprietor tendering same amount as other person to be declared the purchaser.

9. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares to be paid within three months.

10. It shall be one of the conditions of every sale of shares under this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be given as to sale of shares.

11. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the Clerk of every Local Authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or by tender to

12. When any shares have been offered for sale by auction or by tender under the provisions of this Order and not sold the same shall be offered at the reserve

price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital.

be offered to shareholders.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares.

14. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original capital and additional capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much 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 so much of such additional capital as may be issued as preference capital.

Limits of dividend.

15. In case in any year or in any half-year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Prescribed rates to be paid proportionately.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Borrowing powers.

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers for the time being be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers for the time being which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strikes or other circumstance which in the opinion of a justice due care and management could not

If profits exceed the amount limited excess may be invested and form an insurance fund.

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have prevented and if such fund be at any time reduced below the said limit of one-twentieth part of the paid-up capital for the time being it may thereafter be again made up to the said limit and so from time to time as often as occasion may require: Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend: Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of the paid-up capital for the time being as aforesaid.

Application of excess of profits over prescribed rates.

18. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Reserve fund.

19. Where in any year the prescribed rates exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit by way of reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called the "reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Lands.

Additional lands.

20. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require provided that they shall not at any time hold for such purposes more than three acres of land in addition to the lands described in the said schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.

Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

21. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same may maintain and continue and from time to time alter enlarge extend renew or discontinue retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas

and of coke asphaltum pitch coal-tar ammoniacal liquor oil and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coke asphaltum pitch coal-tar ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain and from time to time alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to make gas meters &c.

22. The Undertakers may manufacture purchase or hire and supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let or deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

For the protection of the Great Northern and Great Eastern Railway Companies.

23. Any mains pipes or other works which under the authority of this Order the Undertakers may lay down or execute under or over any railway or land of the Great Eastern Railway Company or of the Great Northern and Great Eastern Joint Committee respectively shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the said Company or Engineers for the time being of the said Committee respectively and in accordance with plans and sections previously submitted to and approved by him or them respectively but in all things at the expense of the Undertakers and so as to cause no injury to any railway bridges works lands or property of the said Company or Committee or interruption to the passage or conduct of traffic over any such railway.

Differences with railway and other companies.

24. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

25. The quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Fixing maximum price of gas with sliding scale as to dividend.

26. The standard price to be charged by the Undertakers for gas supplied by them shall be five shillings per thousand cubic feet: Provided that the Undertakers may increase or reduce the price charged by them for gas above or below

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the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows :—

In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of each penny by which the price charged has exceeded the standard price be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds;

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has exceeded the price charged be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

Pressure of Gas.

Pressure of gas.

27. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Testing of gas.

28. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

29. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

30. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to

them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. A.D. 1889. *St. Ives (Hunts) Gas.*

8 Vict. c. 16. s. 140 incorporated.

31. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Saving of existing contracts.

32. Nothing in this Order contained shall alter vary or affect any contract or agreement duly made or any liability incurred before the commencement of this Order.

Costs of Order.

33. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

A piece of land belonging or reputed to belong to the Undertakers and bounded on the north-west partly by the high road leading from London to St. Ives and partly by hereditaments belonging or reputed to belong to James Rose on the north-east partly by hereditaments belonging or reputed to belong to Elizabeth Jackson and partly by a private road on the south-east partly by hereditaments belonging or reputed to belong to John Topham Gadsby and partly by hereditaments belonging or reputed to belong to Thomas Coote on the south-west partly by a private road and partly by hereditaments belonging or reputed to belong to the said James Rose which said land contains by admeasurement one acre and fourteen and a half perches or thereabouts and lies wholly within the parish of Fenstanton in the county of Huntingdon.

OTLEY GAS. *Otley Gas.*

Order empowering the Otley Gas Company to maintain and continue Gasworks and to manufacture and supply Gas within the parishes townships or places of Otley Newall-with-Clifton Farnley and Weston all in the West Riding of the County of York.

Short title.

1. This Order may be cited as the Otley Gas Order 1889.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

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Otley Gas.

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the Undertaking) of the Gasworks Clauses Act 1847 (except sections thirty to thirty-four both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order :

Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act 1847 shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates of dividend as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Interpretation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the Undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Limits of Order

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes townships or places of Otley Newall-with-Clifton Farnley and Weston all in the West Riding of the county of York.

Undertakers.

Undertakers.

6. The Otley Gas Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the Undertaking exceed twenty-seven thousand five hundred pounds consisting of the original share capital of twenty thousand pounds already raised or authorised to be raised by the Undertakers (in this Order referred to as "the original capital") and of additional share capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding seven thousand five hundred pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

New shares to be offered by auction or tender.

9. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Purchase money of shares to be paid within three months.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Notice to be given as to sale of shares.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital.

Shares not sold by auction or tender to be offered to shareholders.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares.

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Otley Gas.

Limits of dividend on capital.

14. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much 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 so much of such additional capital as may be issued as preference capital.

Dividends on different classes of ordinary shares to be paid proportionately.

15. In case in any year or in any half-year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the Undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

If profits exceed the amount limited excess may be invested and form an insurance fund.

17. If the clear profits of the Undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers for the time being be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers for the time being which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a justice due care and management could not have prevented and if such fund be at any time below the said limit of one-twentieth part of the paid-up capital for the time being it may thereafter be again made up to the said limit and so from time to time as often as the occasion may require Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital for the time being the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of the paid-up capital for the time being as aforesaid.

Application of excess of profits over prescribed rates.

18. If the clear profits of the Undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the Undertaking for the next following year.

19. Where in any year the prescribed rates exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Power to create a reserve fund and application thereof.

Purchase of Land.

20. The Undertakers may for the purposes of the Undertaking from time to time purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require provided that they shall not at any time hold for such purposes more than two acres of land in the whole in addition to the lands described in the said schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products and matters producible therefrom or of storing gas except the lands described in the said schedule.

Power to purchase additional land.

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.

21. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same may maintain and continue and from time to time alter and enlarge their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coal-tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at the works and elsewhere and may also deal in and sell lime at the works and elsewhere and they may also construct and maintain and from time to time alter extend enlarge and renew or discontinue houses offices buildings and other works connected with the Undertaking.

Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

22. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and also manufacture purchase hire sell let deal in and contract

Power to Undertakers to purchase and supply gas

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appliances and apparatus &c.

for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply user or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

23. The Undertakers may subject to the provisions of this Order (but only for the purposes of the Undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilization of any products obtainable in or arising from such manufacture or production or from the materials used therein.

Differences with railway or other companies.

24. If any difference arise between the Undertakers and any railway canal or other Company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

25. The quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Fixing maximum price of gas with sliding scale as to dividend.

26. The standard price to be charged by the Undertakers for gas supplied by them to private consumers shall be three shillings and sixpence per thousand cubic feet Provided that the Undertakers may increase or reduce the price charged by them for gas supplied to private consumers above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

In respect of any year during which the price so charged shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of every penny by which the price so charged has exceeded the standard price be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of every penny by which the standard price has exceeded the price so charged be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

27. The maximum price chargeable by the Undertakers for gas supplied from time to time by them to or for any public lamps within the limits of supply shall be sixpence less per one thousand cubic feet than the lowest price per one thousand cubic feet for the time being charged under the provisions of this Order to any private consumer. Price of gas to public lamps.

Pressure of Gas.

28. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer. Pressure of gas.

Testing Gas.

29. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by a one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority. Testing gas.

Miscellaneous.

30. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident. No penalty in case of unavoidable cause.

31. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Undertakers to pay interest on deposit.

32. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers. 8 Vict. c. 16. s. 140 incorporated.

33. Nothing in this Order contained shall alter vary or affect any contract or agreement duly made or any liability incurred before the commencement of this Order. Saving of existing contracts.

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Costs of Order.

34. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

A piece of land now reputed to belong to and occupied by the Undertakers situate in the parish of Otley in the West Riding of the county of York containing seven thousand six hundred and seventy-four square yards or thereabouts and bounded on or towards the south partly by lands belonging or reputed to belong to the devisees of William Maston partly by lands belonging or reputed to belong to the devisees of William Fieldhouse Freeman partly by the streets called Bondgate Gay Lane and Crow Lane and partly by lands belonging or reputed to belong to Dan Robinson on or towards the north partly by lands belonging or reputed to belong to Charles James Walker and Fred Walker partly by lands belonging or reputed to belong to Thomas Constable and partly by lands belonging or reputed to belong to Thomas Houlding on or towards the east partly by lands belonging or reputed to belong to the said Thomas Constable partly by Crow Lane aforesaid partly by lands belonging or reputed to belong to the trustees of St. Joseph's Roman Catholic Schools partly by lands belonging or reputed to belong to Thomas Longfield Brown and partly by lands belonging or reputed to belong to Dan Robinson and on or towards the west partly by Charles Street partly by houses and outbuildings belonging or reputed to belong to the devisees of William Maston partly by a cottage-house outbuildings and garden belonging or reputed to belong to Thomas Houlding and partly by lands belonging or reputed to belong to the devisees of William Fieldhouse Freeman.

Pocklington Water.

POCKLINGTON WATER.

Order empowering the Pocklington Water Company, Limited, to construct and maintain Waterworks, and to supply Water, in the Parish of Pocklington, in the East Riding of the County of York.

Short title.

1. This Order may be cited as the Pocklington Water Order, 1889.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking), and of the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order.

Interpretation.

4. In this Order the expression "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purpose of this Order, and the several words, terms and expressions to which by any Act wholly or partially incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have the same respective meanings. Provided that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read, and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be so much of the parish of Pocklington, in the East Riding of the county of York, as lies within a distance of half a mile from the north corner of the church, in the said parish.

Where Undertakers not furnishing sufficient supply, Local Authority or Company may supply.

6. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in the district included within the limits of supply or some part of such district, the Local Authority having jurisdiction within the said limits may exercise their powers under the Public Health Act, 1875, in relation to the supply of water, or any company, body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such district or such part thereof, in either case as if such district or such part thereof had not been included within the said limits of supply. If any difference shall arise between the Undertakers 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.

Undertakers.

Undertakers.

7. The Pocklington Water Company, Limited, shall be the Undertakers for the purpose of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Capital.

8. The share capital of the Undertakers shall not for the purposes of the water undertaking exceed three thousand pounds, unless any increase thereto be hereafter authorised for such purposes by Provisional Order, under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the water undertaking shall not at any time exceed in the whole seven hundred and fifty pounds, and no higher rate of interest than five pounds

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per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

Power to acquire lands.

10. The Undertakers may, by agreement, purchase, acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking and they may by agreement, from time to time, purchase, or take on lease and use any other lands, and any easements, rights and privileges, in, over, or affecting any lands which they may require for such purposes. Provided that they shall not at any time hold for such purposes more than three acres of land in the whole.

Persons under disability may grant easements, &c. to Undertakers.

11. Persons empowered by the Lands Clauses Acts to sell and convey, or release lands, may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege (not being an easement of water), 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, or to such easements, rights, or privileges as aforesaid.

Construction of Waterworks.

Power to construct waterworks and to supply water.

12. The Undertakers may, on the lands shown on the deposited plans, when they have acquired and while they are possessed of the same, make and maintain in the lines, and according to the levels shown on the deposited plans and deposited sections, the works herein-after described, with all necessary pipes, mains, culverts, cuts, drains, wells, sluices, filtering beds, weirs, meters, approaches, embankments, roads, and all other works and conveniences connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works authorised by this Order will be situate within the East Riding of the county of York, and are as follow:—

(*a*) A collecting chamber at or near the spring, with headings, and service or storage reservoir to be wholly situated in a field on the hill known as the Chapel Hill, in the said parish of Pocklington, belonging or reputed to belong to Colonel Charles Wilmer Duncombe, which said field is surrounded by other land belonging or reputed to belong to the said Colonel Duncombe.

(*b*) Two conduits or lines of pipes marked "A" and "B" on the deposited plans and deposited sections, wholly situated in the said field, commencing from and out of the said collecting chamber, and running therefrom in a north-westerly and south-easterly direction respectively to the extent of one chain each.

(*c*) A conduit or line of pipes wholly situated in the said field commencing from and out of the said collecting chamber and passing thence to the said service or storage reservoir.

(*d*) A conduit or line of pipes wholly situated in the said field forming an overflow pipe commencing at the said service or storage reservoir and terminating at the trough in the said field.

(*e*) A conduit or line of pipes wholly situated in the said parish of Pocklington commencing at the bottom of the said reservoir, passing downward in a southerly direction to a field belonging or reputed to belong to the said Colonel Duncombe, and lying between the said field first mentioned and the highway leading from Kilnwick Percy to Pocklington, thence to the said highway, thence in a westerly direction, under and along such highway, to and terminating therein at the point where the said highway is joined by the Clockmill Lane.

Limits of deviation.

13. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, but in no case beyond the width of any road shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or ten feet downwards.

Period for completion of works.

14. The works authorised by this Order shall be commenced, constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act, 1870. Provided that, subject to the restrictions and provisions of this Order, the Undertakers may, from time to time alter, enlarge and extend their engines, machinery, collecting chamber, tanks, pipes, and other works, in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

For the protection of the North-eastern Railway Company.

15. The Undertakers may (if necessary), in the exercise of the powers contained in this Order, carry any main or pipe under or across the railway of the North-eastern Railway Company (herein-after called "the Railway Company") where crossed by any public street on the level, but any main or pipe carried under the railway shall, if so required by the engineer of the Railway Company, be carried thereunder in a culvert or casing pipe of sufficient dimensions to admit of the relaying or repair of the main or pipe, without interference with the railway, and the laying down and subsequent repair or reinstating of any main, pipe or culvert, and of any other work of the Undertakers, over, across, or affecting the railway or property of the Railway Company shall be executed by and at the expense of the Undertakers at such times as may be required or approved by and under the direction and superintendence, and to the reasonable satisfaction of the engineer of the Railway Company, and when required by him in accordance with plans and specifications previously submitted to and approved by him. All mains, pipes, and other works, shall be laid down, executed, maintained, repaired, and used so that the traffic on the railway shall not be in any wise impeded.

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

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As to pipes crossing the works of a railway or other company.

16. If any difference arise between the Undertakers and any railway, canal, or other company, whose land or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, in, over or upon such lands or works, 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.

Supply.

Limits of pressure.

17. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service tanks, reservoirs or works authorised by this Order.

Rates for supply for domestic purposes.

18. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say) :—

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

Where such rateable value exceeds five pounds and does not exceed twenty pounds, the rate of eight pounds per centum upon such rateable value.

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

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

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

Where such rateable value exceeds eighty pounds, the rate of six pounds per centum upon such rateable value.

And so in proportion for any shorter period in each case. Provided that the Undertakers shall not be entitled in any case to charge at a higher rate in respect of any house, or part of a house, included in any division of the above scale than the rate at which they would be entitled to charge if such house, or part of a house, were of just sufficient rateable value to bring it within the next higher division of the said scale.

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.

Rates for waterclosets, baths, &c.

19. The Undertakers may charge in respect of every watercloset beyond the first on any premises within the limits of supply an additional sum not exceeding five shillings per annum, and for every bath capable of containing not

more than fifty gallons an additional sum not exceeding ten shillings per annum, and for every bath capable of containing more than fifty gallons such additional sum as they may think fit, such additional sums to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Regulations for preventing waste of water.

20. Subject to the provisions of this Order the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient and as may be approved by the Local Government Board, for preventing the waste, misuse, or contamination of water, and amongst other things may prescribe the size, nature and strength of the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply. Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford, and do in fact afford, or are prepared on demand to afford a constant supply.

Publication of regulations.

21. All such regulations in force for the time being shall be published, by a copy thereof being kept at the office of the Undertakers, which copy shall be open to the inspection of all persons at all reasonable times, without payment, and the Undertakers 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.

22. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board as aforesaid, shall be primâ facie evidence in all legal proceedings of the due making, confirmation, publication and existence of such regulations, without further or other proof.

Power for Undertakers to repair or alter pipes where regulations not complied with.

23. In case of failure of any person to observe any of such regulations as are for the time being in force, the Undertakers 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 pipe, cock, cistern, or other apparatus, fittings, or appliances belonging to or used by such person for the purposes of supply, and not being in accordance with the requirements of such regulations, and the expense of such repair, replacement, or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.

Power to supply water in bulk within or without limits of supply.

24. The Undertakers may from time to time, by agreement, supply any body or person within or without the limits of supply with water in bulk for other than domestic purposes for such remuneration, and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such body or person; but, notwithstanding any such agreement, no such body or person shall be entitled to a supply under any such agreement, whenever, and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order, and every such agreement shall by virtue of this Order be determinable by the Undertakers on one month's notice in writing. Provided that nothing herein contained shall be construed as conferring any power on the Undertakers in relation to the laying down or placing of any pipe or conduit or to the breaking up of any road or street, or the execution of any work beyond the limits of supply, or as empowering the Undertakers to supply water in any district beyond the

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limits of supply within the meaning of section 52 of the Public Health Act, 1875, or any similar provision.

Supply of water by measure.

25. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person within the limits of supply, and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Undertakers to keep meters, &c. in repair.

26. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect and replace any such meter or other instrument at all reasonable times.

Register of meters, &c. to be evidence.

27. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed, and in respect of which any water rate is charged and sought to be recovered by the Undertakers. Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined, upon the application of either party, by a court of summary jurisdiction, who may also order by which of the parties any costs of the proceedings before them shall be paid, and the decision of such court shall be final and binding on all parties.

Amendment of 10 & 11 Vict. c. 17. s. 44.

28. Section 44 of the Waterworks Clauses Act, 1847, shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the "owner or reputed owner of any such house, or of the agent of such owner" were omitted therefrom. Provided that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several houses supplied by one pipe each to pay.

29. When several houses, or parts of houses, in the occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses, or parts of houses, shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses, or parts of houses, had been separately supplied with water from the works of the Undertakers by a distinct pipe, provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of water to tenements in a row.

30. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other of such tenements, unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Pocklington Water.

Injuring meters.

31. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter or other instrument for measuring water, or any fittings belonging to the Undertakers, or who fraudulently alters the index to any meter or other instrument for measuring water, or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied, or fraudulently abstracts, consumes or uses water of the Undertakers, or commits any breach of the authorised regulations against waste, misuse, or contamination of the water supplied by the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offenders) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may, in addition thereto, recover the amount of any damage 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 pipe, meter, instrument or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or other instrument for measuring water, or prevented the same from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers 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 injury, alteration, or prevention, or for abstracting, consuming or using water of the Undertakers when such pipe, meter, instrument, or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such pipe, meter, instrument, or fittings.

Misuser where supply to several houses is by a pipe common to all.

32. Any tenant or occupier of one, or part of one, of several houses or tenements supplied by a common pipe, who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be taken or used contrary to the provisions of this Order shall, for every such offence, be liable to a penalty not exceeding five pounds.

Miscellaneous.

Incoming tenant not liable to pay arrears.

33. In case any person supplied with water by the Undertakers leaves the premises where such water has been supplied to him without paying to them the water rate, or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Several names in one summons.

34. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof, or in the schedule thereto, several names and several sums.

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Warrant of distress to include costs.

35. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by such justice, and shall be included in the warrant of distress for the recovery of such moneys.

Liability to water rate not to disqualify justices, &c. from acting.

36. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

8 Vict. c. 16. s. 140 incorporated.

37. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order, provided that for the purposes of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

38. All the costs, charges and expenses of, and incidental to the applying for, preparing, obtaining and confirming this Order, and otherwise in relation thereto shall be paid by the Undertakers.

Marlow Water.

MARLOW WATER.

Order empowering the Great Marlow Water Company (Limited) to maintain and continue Waterworks and to supply Water in the Parishes of Great Marlow Little Marlow Wooburn and Medmenham all in the County of Bucks and Bisham in the County of Berks.

Short title.

1. This Order may be cited as the Marlow Water Order 1889.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as the "commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the Undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are except where the same are expressly varied by this Order hereby incorporated with and form part of this Order and the said provisions of the said Waterworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of any such Act for the purposes of this Order the

expression "Superior Court" or "Court of competent jurisdiction" shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the Parishes of Great Marlow Little Marlow Wooburn and Medmenham all in the County of Bucks and Bisham in the County of Berks.

Where Undertakers not furnishing a sufficient supply Local Authority or Company may supply.

6. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in the district included within the limits of supply or some part of such district the Local Authority having jurisdiction within the said limits may exercise their powers under the Public Health Act 1875 in relation to the supply of water or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such district or such part thereof as if in either case such district or such part thereof had not been included within the said limits of supply.

If any difference shall arise between the Undertakers 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.

Undertakers.

Undertakers.

7. The Great Marlow Water Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

8. The capital of the Undertakers shall not for the purposes of the Water Undertaking exceed sixteen thousand pounds consisting of the share capital already raised or authorised to be raised by the Undertakers and in this Order referred to as "the original capital" amounting to eight thousand pounds and of additional share capital in this Order referred to as "the additional capital" to be issued subject to the provisions of this Order not exceeding eight thousand pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction tender.

9. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve

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price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

Where proprietor tenders same amount as any other person proprietor to be declared the purchaser.

10. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares to be paid within three months.

11. It shall be one of the conditions of every sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

As to notice to be given of sale of shares.

12. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every Local Authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

13. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital.

Application of premium arising on issue of shares.

14. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of dividend on capital.

15. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than ten pounds in respect of every one hundred pounds actually paid up of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much 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 so much of such additional capital as may be issued as preference capital.

16. In case in any year or in any half-year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Prescribed rates to be paid proportionately.

17. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the Water Undertaking shall not at any time exceed in the whole four thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of borrowing powers.

Lands.

18. The Undertakers may by agreement from time to time purchase or take on lease and hold any lands and any easements rights or privileges in over or affecting any lands which they may require for the purposes of the Water Undertaking. Provided that they shall not at any time hold for such purposes more than three acres of land in addition to the lands held by them at the commencement of this Order.

Power to acquire lands.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement of water) 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 or to such easements rights or privileges as aforesaid.

Persons under disability may grant easements &c. to Undertakers.

Maintenance of Waterworks.

20. The Undertakers on the lands upon which the same are situate so long as they are possessed of the said lands or so long as they may be entitled to do so under any agreement may from time to time as they think fit maintain continue alter enlarge renew and improve their existing waterworks herein-after described and the works connected therewith with all needful conduits pipes sluices engines engine-houses machinery tanks valves apparatus and works connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

Power to maintain works.

The works herein-before referred to are as follows:—

(1) A well pumping-station and reservoir or tank in the Parish of Great Marlow in the County of Bucks formed upon land belonging or reputed to belong to the Undertakers at the Chalk Pit or Quarry situate on the southern side of the road known as Chalk Pit Lane;

(2) An aqueduct or line of pipes commencing at the said reservoir or tank passing along Chalk Pit Lane Oxford Road West Street and High Street thence under the River Thames and terminating at Temple House in the Parish of Bisham in the County of Berks.

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For protection of Marlow Bridge.

21. The Undertakers shall not lay any mains or pipes whatsoever upon or across the County bridge over the Thames at Marlow known as "Marlow Bridge" nor execute any works which may affect or interfere with the retaining walls fences or appurtenances thereof. Provided that the Undertakers shall be at liberty to lay any such mains or pipes in or under the approaches to the said bridge in a suitable position and in accordance with Plans and Sections to be previously submitted to and approved in writing by the County Surveyor for the County of Bucks but the Undertakers shall not at any time open break up or in any way interfere with any part of the said approaches for repairs renewals or other works (except in case of emergency) otherwise than under the superintendence and according to the reasonable directions of the said Surveyor.

For the protection of the Conservators of the River Thames.

22. For the protection of the Conservators of the River Thames (in this Section referred to as "the Conservators") the following provisions shall have effect (that is to say):—

(1) The aqueduct or line of pipes by this Order authorised and any alteration of the same and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall be laid down constructed and executed only according to Plans and Sections to be approved in writing by the Conservators and deposited at their office and the works in or under the River Thames shall be executed and performed to the satisfaction of the Engineer for the time being of the Conservators and so as to cause no interference with the traffic of the said River and the Undertakers shall within fourteen days after notice from the Conservators so to do remove any materials for temporary works which may have been placed in the said River by the Undertakers and on their failing to do so the Conservators may remove the same charging the Undertakers with the expense of so doing and the Undertakers shall forthwith repay to the Conservators all expenses so incurred;

(2) The Undertakers shall not commence any works in or under the bed and banks of the River Thames without the consent in writing of the Conservators until the expiration of one month from the receipt of their approval in writing as aforesaid;

(3) No works either temporary or permanent shall be so constructed in or under the bed of the River Thames as to prevent the Conservators from deepening and dredging the river to a level of 77 feet above Ordnance datum level for a width of 120 feet in the centre of the river;

(4) The Undertakers shall pay to the Conservators on the first day of January in each year after the commencement of this Order the sum of one pound in acknowledgment of the right granted to the Undertakers to place and keep the aqueduct or line of pipes aforesaid under the River Thames and in default of payment the Conservators may recover the same with costs from the Undertakers in any Court of competent jurisdiction;

(5) If in the opinion of the Conservators the temporary works in connexion with the aqueduct or line of pipes aforesaid affect the River Thames the Undertakers shall hang out and exhibit thereat every night from sunset to sunrise lights to be kept burning by and at the expense of the Undertakers and proper and sufficient for the safe guidance of vessels navigating the said River and the lights shall from time to time be altered by the Undertakers in such manner and be of such kind and number and be so

placed and used as the Conservators by writing under the hand of their Secretary shall approve and direct and in case the Undertakers fail so to exhibit and keep burning the lights they shall for every such offence forfeit to the Conservators a sum of ten pounds;

(6.) Nothing in this Order contained shall authorise or empower the Undertakers to embank encroach upon or interfere with any part of the bed or banks of the River Thames except according to the plan to be approved by the Conservators.

(7.) The Undertakers shall not take any gravel soil or other material from the bed of the river without the previous consent of the Conservators signified in writing under the hand of their Secretary;

(8.) Nothing contained in this Order shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the Conservators or to prohibit defeat alter or diminish any powers authority or jurisdiction which at the commencement of this Order the Conservators did or might lawfully claim use or exercise.

For protection of the Great Western Railway Company.

23. (1.) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the Great Western Railway shall so far as they may affect the Great Western Railway be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the Engineer for the time being of the Great Western Railway Company and in accordance with Plans and Sections (when necessary in the opinion of such Engineer) previously submitted to and approved of by him and any of such mains from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions.

(2.) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said Railway and Works.

(3.) The Undertakers shall at all times keep the Great Western Railway Company indemnified against all damages losses expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes.

(4.) The provisions of this Section shall be deemed to include and apply to the Marlow Railway so long as the said Railway is worked by the Great Western Railway Company and subject thereto shall be applicable and extend to the Marlow Railway and the Marlow Railway Company in the same manner as it applies to the Great Western Railway and the Great Western Railway Company.

As to pipes &c. crossing the Works of a Railway or other Company.

24. If any difference arise between the Undertakers and any Railway Canal or other Company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply 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 or other competent person to be appointed by the Board of Trade at the request of either party.

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Supply.

Limits of pressure.

25. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the reservoir authorised to be maintained by this Order.

Rates for supply for domestic purposes.

26. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one watercloset) furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say) :—

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

Where such rateable value exceeds five pounds and does not exceed seven pounds the sum of ten shillings.

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

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

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

And so in proportion for any shorter period in each case. Provided that the Undertakers shall not be compellable to furnish any such supply for any less sum than eight shillings and eightpence in any one year and that the Undertakers shall in no case be entitled to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues.

Rates for watercloseets &c.

27. The Undertakers may charge in respect of every watercloset beyond the first on any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons an additional sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such additional sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Power for Undertakers to make regulations for preventing waste misuse or contamination of water.

28. Subject to the provisions of this Order the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient and as may be approved by the Local Government Board for preventing the waste misuse or contamination of water and among other things may prescribe the size nature and strength of the pipes cocks cisterns and other apparatus proper and suitable for the purposes of supply. Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

Publication of regulations.

29. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers which copy shall be open to the inspection of all persons at all reasonable times without payment and the Undertakers 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.

30. A printed copy of any such regulation purporting to have been made by the Undertakers and to have been approved by the Local Government Board as aforesaid shall be primâ facie evidence in all legal proceedings of the due making confirmation publication and existence of such regulation without further or other proof.

Power for Undertakers to repair or alter pipes &c. where regulations not complied with.

31. In case of failure of any person to observe any of such regulations as are for the time being in force the Undertakers 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 pipe cock cistern or other apparatus fittings or appliances belonging to or used by such person for the purposes of supply and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.

Supply of water by agreement.

32. The Undertakers may from time to time by agreement supply any body or person within or without the limits of supply, with water in bulk for other than domestic purposes for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such body or person but notwithstanding any such agreement no body or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing. Provided that nothing in this Section contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of Section fifty-two of the Public Health Act 1875 or any similar provision.

Supply of water by measure.

33. The Undertakers may if they think fit enter into agreements for the supply of water by measure within the limits of supply to any person and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Undertakers to keep meters &c. in repair.

34. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid

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have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Register of meters &c. to be evidence.

35. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers. Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a Court of Summary Jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such Court shall be final and binding on all parties.

Amendment of 10 & 11 Vict. c. 17. s. 44.

36. Section forty-four of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in "writing of the owner or reputed owner of any such house or of the agent of "such owner" were omitted therefrom. Provided that any rent paid by an occupier in pursuance of the provisions of the said Section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several houses supplied by one pipe each to pay.

37. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the Works of the Undertakers by a distinct pipe. Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of water to tenements in a row.

38. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring meters &c.

39. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument used for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers or commits any breach of any authorised regulation against waste misuse or contamination of the water supplied by the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage 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 pipe meter instrument

or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers 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 injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Misuser where supply to several houses is by a pipe common to all.

40. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

Miscellaneous.

Incoming tenant not liable to pay arrears.

41. In case any person supplied with water by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Several names in one summons.

42. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the Schedule thereto several names and several sums.

Warrant of distress to include costs.

43. Any Justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such Justice and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify Justices from acting.

44. No Justice or Judge of any County Court or Quarter Sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

8 Vict. c. 16. s. 140 incorporated.

45. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order. Provided that for the purposes of such incorporation the expression "the Company" in the said Section shall be construed to mean the Undertakers.

Costs of Order.

46. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

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