CHAPTER clii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Southborough Gas, Woking District Gas, Cirencester Water, Matlock Water, and Seaton and Beer Water. [21st July 1891.]

A.D. 1891.

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, as amended and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

And whereas by the Southborough Gas Order, 1891, hereby confirmed, powers are conferred on the Undertakers for the purposes of the said Order in relation to the maintenance and laying of mains and the execution of other works within a small portion of the district within which the Tunbridge Wells Gas Company were by the Tunbridge Wells Gas Act, 1864, empowered to construct gasworks and works connected therewith, and it has been agreed between the said Company and the said Undertakers that the powers so conferred by the said Order shall, subject to the provisions and restrictions therein contained, be exercised by the said Undertakers:

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:

A.D. 1891.

Short title.

1. This Act may be cited as the Gas and Water Orders Confirmation Act, 1891.

Confirmation of Orders in schedule.

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.

Special provision as to houses of labouring class.

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, 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 such persons who may be residing with them.

Provisions of 33 & 34 Vict. c. 70. modified as regards Southborough Gas Order.

4. Notwithstanding anything in the Gas and Water Works Facilities Act, 1870, the Undertakers for the purposes of the Southborough Gas Order, 1891, hereby confirmed, shall have and may exercise within such parts of the district included within the limits of supply of the Tunbridge Wells Gas Company as are therein specified all the powers by the said Order conferred subject to the provisions and restrictions therein contained.

SCHEDULE OF ORDERS.

1. Southborough Gas.—Order empowering the Southborough Gas Light and Coke Company, Limited, to maintain and continue gasworks, and to manufacture and supply gas within parts of the parishes of Tonbridge, Bidborough, and Speldhurst, all in the county of Kent.
2. Woking District Gas.—Order empowering the Woking District Gas Company, Limited, to construct and maintain gasworks and to make and supply gas within the parishes of Woking, Horsell, Send and Ripley, Pyrford, and Byfleet, all in the county of Surrey.
3. Cirencester Water.—Order empowering the Cirencester Waterworks Company, Limited, to maintain and continue waterworks and to supply water in the parishes of Cirencester, Stratton, and Coates, all in the county of Gloucester.
4. Matlock Water.—Order empowering the Matlock Waterworks Company (Limited) to raise additional capital.
5. Seaton and Beer Water.—Order authorising the construction and maintenance of waterworks and the supply of water within the parish of Seaton and Beer, in the county of Devon.

A.D. 1891.

SOUTHBOROUGH GAS.

Southborough Gas.

Order empowering the Southborough Gas Light and Coke Company, Limited, to maintain and continue Gasworks, and to manufacture and supply Gas within parts of the parishes of Tonbridge, Bidborough and Speldhurst, all in the county of Kent.

Short title.

1. This Order may be cited as "The Southborough Gas Order, 1891."

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 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 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 supply.

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 such parts of the parishes of Tonbridge, Bidborough, and Speldhurst in the county of Kent as lie within a line commencing at the junction of the road known as Speldhurst Road or Brightridge Lane, in the parish of Tonbridge, with the road leading from Tonbridge to Tunbridge Wells, and drawn thence along the east

side of the last-mentioned road to its junction with Powder Mill Lane, thence along the northern and western sides of Powder Mill Lane to where it intersects the Tunbridge Wells branch of the South-Eastern Railway, thence in a northerly direction along the western side of the said railway to a point where the said railway intersects the roadway leading to Forest Farm, thence in a north-westerly direction to a point in Vauxhall Lane where is the boundary of the local board district of Southborough, thence along the boundary of the said local board district to its most north-westerly point near to Mabledon Park Gardens, thence to a point two hundred and twenty yards or thereabouts south of the last-mentioned point, thence in a westerly direction to Prince Style House, thence along the centre of the road leading from the Bidborough and Penshurst Road to Barden Furnace Mill, thence along the north-eastern bank of the stream on which the said mill is situate to Small Brook, thence along the northern side of Speldhurst Road or Brightridge Lane aforesaid, to the starting point above described, excepting, nevertheless, from the said limits of supply, such part of the parish of Tonbridge as is within the limits of supply of the Tonbridge Gas Company, as defined by the Tonbridge Gas Act, 1872.

Undertakers.

Undertakers.

6. The Southborough Gas Light and Coke Company, Limited, 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, for the purposes of the undertaking, shall not exceed eight thousand pounds, consisting of the sum of four thousand pounds already raised by the Undertakers (in this Order referred to as "the original capital"), the further sum of one thousand pounds already raised or authorised to be raised by the Undertakers (in this Order referred to as "the additional capital"), and the further sum (in this Order referred to as "the new capital"), which may be issued subject to the provisions of this Order, and is not to exceed three thousand 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 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 or tender.

8. The Undertakers shall, when any shares forming part of the new 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 fifty 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

A.D. 1891.

South-borough Gas.

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.

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 sold by auction to be paid within three months.

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.

As to notice to be given of sale, &c. of shares.

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.

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

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 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 new capital.

Application of premium arising on issue of shares.

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.

Limit 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 additional and new 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 such additional capital and of so much of such new 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 new capital as may be issued as preference capital.

South-borough Gas.

15. In case in any year or in any half year, if the Undertakers declare a dividend half-yearly, 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 additional and new capital of the Undertakers, a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of ordinary shares 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.

Limit of 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, 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, 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 reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction happens. 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 be had from time to time 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 as aforesaid.

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

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.

Application of further excess of profits over prescribed rates.

19. Where in any year the prescribed rates on the ordinary shares or stock in the original, additional and new capital 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 excess of dividend over the standard rates, 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

Power to create a reserve fund and application thereof.

A.D. 1891.

Southborough Gas.

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 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.

Purchase of lands by agreement.

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 the whole in addition to the lands described in the said schedule, and that they shall not create nor permit a nuisance on any such lands, 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.

Lands for Construction of Additional Gasworks.

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

21. The Undertakers may, 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, maintain and continue, and from time to time alter and enlarge, renew, or discontinue 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, manufacture 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 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, renew, or discontinue houses, offices, buildings, and other works connected with the undertaking.

Power to maintain and lay mains within parts of Tunbridge Wells Gas Company's limits of supply.

22. The Undertakers shall have within such parts of Brightridge Lane and Powder Mill Lane and the road leading from Tonbridge to Tunbridge Wells as are within the limits of supply of the Tunbridge Wells Gas Company as defined by the Tunbridge Wells Gas Act, 1864, and as lie between the centre of the said lanes and road and the boundary of the Undertakers' limits of supply as defined by this Order all the like powers and privileges and be subject to all the like duties and penalties in relation to the breaking up of such lanes and road and the laying down, extension, maintenance, continuance, alteration, enlargement, renewal, and discontinuance of any mains, service pipes, valves, siphons.

and other works connected with or incidental to the supply of gas in such lanes and road as they would have had or have been subject to if such parts of the said lanes and road had been included within the said limits of supply as defined by this Order, and had not been included within the said limits of supply of the Tunbridge Wells Gas Company. Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the supply of gas, or as subjecting them to any liabilities or obligations in respect of such supply for any public lamps, within such parts of the said lanes and road as aforesaid.

Power to make stoves and gas apparatus.

23. 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 may also manufacture, purchase, hire, sell, let, 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.

Power to take licences for use of patents.

24. The Undertakers may, subject to the provisions of this Order (but only for the purposes of their 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 utilisation of any product obtainable in or arising from such manufacture or production, or from the materials used therein.

Power to contract for sale of gas in bulk.

25. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural sanitary authority or any company authorised to supply gas at such price and upon such terms and conditions as may from time to time be agreed on. Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe, or the breaking up of any road or street, or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

Quality of Gas.

Quality of gas.

26. The quality of the 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 price of gas with sliding scale of dividend.

27. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be four shillings and eightpence per thousand cubic feet. Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price, subject to a

A.D. 1891.

Southborough Gas.

reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the original, additional, and new capital, as follows:

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price, the dividend so payable by the Undertakers shall in respect of each penny by whch the price so charged has exceeded the standard price be reduced below the standard rates 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 so payable by the Undertakers may in respect of each penny by which the standard price has exceeded the price so charged be increased above the standard rates 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.

Pressure of Gas.

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.

Testing 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 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.

Purchase by Local Authority.

Provision as to purchase by Local Board of Southborough.

30. If, within six months from the commencement of this Order, the Southborough Local Board of Health give written notice to the Undertakers, under seal, of their desire to purchase the undertaking of the Undertakers, the following provisions shall apply:—

(1.) The Undertakers shall sell to the local board, and the local board shall purchase and acquire from the Undertakers the undertaking of the Undertakers, including all the property and assets thereof, real and personal, of what kind or nature soever and wheresoever situated (including all the plant, machinery, pipes, apparatus, meters, fixtures, and fittings at the works, but except as herein-after provided), together with the business

of the Undertakers, and the whole rights, powers, and privileges of the Undertakers, together with the benefit of all actions at the instance of the Undertakers and the benefit and liability of all contracts of sale and purchase of service or employment, and of insurance or otherwise, to which the Undertakers have right, or are subject, and also all books and vouchers and documents connected with the undertaking, from the date of twelve months before the commencement of this Order, subject, however, to such reasonable use thereof as may at any time be necessary for or be required by the Undertakers.

(2.) The purchase and sale shall be completed as from the first day of July or first day of January next after the expiration of six months from the giving of such notice or such earlier period as can be arranged.

(3.) The price to be paid by the local board to the Undertakers for the undertaking shall be determined by George Livesey and Corbet Woodall, acting as arbitrators respectively for the Undertakers and the local board, or, in case of their failing to agree, by an umpire to be chosen by them before entering upon their valuation. The local board and the Undertakers respectively shall abide by the decision of the said arbitrators or umpire, and shall leave to their discretion what, if any, evidence is to be taken.

(4.) The valuation shall be made upon the assumption that the Undertakers have no statutory powers, and that no allowance is made for compulsory sale.

(5.) The Undertakers shall afford the arbitrators all reasonable aid in arriving at their valuation, including access to works and books.

(6.) Until the transfer the Undertakers shall, subject as herein-after mentioned, continue to carry on and manage their undertaking at their own discretion and for their own benefit as heretofore, and shall continue to keep and maintain the works in as good working order as they are now in, and shall keep proper accounts. The expenditure of the Undertakers upon maintenance and repairs shall not be less from the commencement of this Order to the date of transfer than the average expenditure for like purposes during the past three years.

(7.) Each party shall pay their own costs and charges incident to the promoting and opposing of this Order. The local board shall bear the costs of arbitration.

(8.) The Undertakers shall have the right to all the revenue and profits derived from or earned by the undertaking up to the date of transfer, and to all their coal, coke, residuals, stores, and stock-in-trade generally in hand at that date, and shall pay all their debts and liabilities on revenue account up to such date. The Undertakers shall not be entitled in so carrying on the undertaking to enter into any contract extending for a longer period than six months beyond the date of transfer, except with the consent of the local board.

(9.) The Undertakers shall not expend on new works, mains, meters, or plant any sum without the sanction in writing of the local board, and the local board shall on the transfer repay to the Undertakers any capital so expended in addition to the other payments provided for by this section.

(10.) Subject as herein-before provided the Undertakers shall not as from the commencement of this Order and up to the date of transfer realise or sell any of the property or assets of the undertaking held on capital

A.D. 1891.

South-borough Gas.

account without the sanction in writing of the local board being first obtained.

(11.) Every question or difference that may arise between the local board and the Undertakers relating to the construction of this section shall be determined by the arbitrators already named or their umpire.

Local Board not to purchase without further Parliamentary powers.

31. Notwithstanding anything contained in this Order the local board shall not exercise the powers of purchase conferred by the last preceding section of this Order unless and until they shall have obtained Parliamentary powers authorising them to borrow and expend the moneys necessary for that purpose.

Miscellaneous.

No penalty in case of unavoidable cause.

32. 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 unless complaint made within six weeks.

33. The Undertakers shall not be liable to any penalty for defect of illuminating power or excess of impurity in the gas supplied by them unless the complaint respecting such defect or excess shall have been made before two justices within six weeks next after the happening of the defect or excess complained of.

Undertakers to pay interest on deposit.

34. 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.

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

35. 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.

Costs of Order.

36. 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 to and occupied by the Undertakers, containing by admeasurement one thousand one hundred and forty-four square yards or thereabouts, situate in the parish of Tonbridge, in the county of Kent, and bounded on the south by the Speldhurst Road, formerly known as Brightridge Lane; on the east and north by land belonging or reputed to belong to Philip Woolley, in the occupation of John Osborne Crittenden and Kenyon Benham respectively; and on the west by land belonging or reputed to belong to the representatives of the late Edward Mason, and in the occupation of Kester Cripps Jarvis.

WOKING DISTRICT GAS.

Order empowering the Woking District Gas Company Limited to construct and maintain Gasworks and to make and supply Gas within the parishes of Woking Horsell Send and Ripley Pyrford and Byfleet all in the county of Surrey.

Woking District Gas.

1. This Order may be cited as the Woking District Gas Order 1891. Short title.

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." Commencement of Order.

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 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order. Incorporation of Acts.

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 constructed and maintained. Interpretation.

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 Woking Horsell Send and Ripley Pyrford and Byfleet all in the county of Surrey. Limits of Order.

Undertakers.

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

Capital.

7. The share capital of the Undertakers shall not for the purposes of the undertaking exceed sixteen thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. Capital.

8. 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 said capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of so much of such capital Limit of dividend on capital.

A.D. 1891.

Woking District Gas.

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 capital as may be issued as preference capital.

Limit of borrowing powers.

9. 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 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.

Lands.

Power to purchase lands by agreement.

10. 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 shown on the map deposited for the purposes of this Order and described in the Schedule A 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 the whole including the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands 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.

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

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

11. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the Schedule A to this Order annexed while they are possessed of the same construct and maintain and from time to time alter and enlarge renew and discontinue retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and of 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 renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to make gas meters &c.

12. 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 may also manufacture purchase hire sell let 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.

Woking District Gas.

Power to take licences for use of patents.

13. 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 or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

For protection of London and South-Western Railway Company.

14. For the protection of the London and South-Western Railway Company (in this section referred to as "the South-Western Company") the following provisions shall apply and have effect:—

(*a.*) In laying down repairing or removing any mains or pipes or executing any other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the South-Western Railway or any bridge over or under such railway or any approaches to any such bridge within the South-Western Company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the South-Western Company and according to such plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto within the South-Western Company's boundary and shall within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge. Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence.

(*b.*) If any injury or damage to or any interruption of the South-Western Company's traffic shall be in any way occasioned by the Undertakers or by their contractors agents or workmen the Undertakers shall forthwith make full compensation to the South-Western Company in respect thereof.

(*c.*) All mains pipes and other works of the Undertakers upon across over under or in any way affecting the South-Western Railway or any bridge over or under the same or the approaches thereto within the South-Western Company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South-Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put into good repair any such main pipe or other work as aforesaid as may be in want of repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the

A.D. 1891.

Woking District Gas.

necessity thereof the South-Western Company may without any further notice to the Undertakers repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers. Provided that in case of accidents happening or immediate danger being apprehended to the South-Western Railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe or other work as aforesaid being in want of repairs the South-Western Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid as herein-before provided.

(*d.*) The Undertakers shall bear and on demand pay to the South-Western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the South-Western Railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary.

(*e.*) Any difference which may arise between the South-Western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

For the protection of Surrey main roads and bridges.

15. For the protection of main roads county bridges and approaches thereto and other property in the county of Surrey the following provisions shall have effect (that is to say) :—

(*a.*) No works at any time affecting any main road or bridge belonging to or under the control of the Surrey County Council or the approaches to any such bridge shall be placed or constructed by the Undertakers and no alteration or disturbance of any main road county bridge or approach road thereto shall be begun by them except in accordance with plans and specifications previously submitted to and signed by the surveyor for the time being of the county of Surrey and the said works shall be executed under the superintendence and to the reasonable satisfaction of the said surveyor and shall be thereafter maintained by the Undertakers at their own expense and under such superintendence as aforesaid.

Provided that if the said surveyor omit to signify his approval or disapproval of any such plans and specifications as aforesaid during one month after the same shall have been submitted to him he shall be deemed to have approved of the same.

(*b.*) For the purposes of this section the term "main road" shall mean a main road under section eleven of the Local Government Act, 1888.

(*c.*) Notwithstanding anything in this Order contained the Undertakers shall be responsible for and make good to the Surrey County Council all costs losses damages and expenses which they may be put to or sustain by reason of the execution or failure of any of the intended works or of any act or omission of the Undertakers or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their

contractors or others and the Undertakers shall effectually indemnify and hold harmless the Surrey County Council from all claims or demands upon or against them by reason of such execution or failure or of any such act or omission.

Woking District Gas.

(*d.*) The costs charges and expenses of the said surveyor of and incidental to the superintendence of the works shall be paid by the Undertakers.

For protection of the Woking Electric Supply Company Limited.

16. The Undertakers before commencing any works authorised by this Order in or under any road or street in which any mains pipes wires works or apparatus belonging to the Woking Electric Supply Company Limited (herein-after called the Company) are situate shall give to the Company fourteen days notice in writing of their intention to execute such work with a plan showing the direction thereof and if the Undertakers do not within fourteen days from the delivery of such notice and plan receive from the Company any communication in writing that they object to the said work being executed in the manner shown upon the plan the Undertakers may execute the works in accordance therewith but if the Company object to the work being so executed and cannot agree with the Undertakers as to any other manner in which the work shall be executed the same shall be executed in such manner as may be prescribed by an engineer to be appointed by the Board of Trade at the request of either party.

For protection of Woking Water and Gas Company.

17. For the protection of the Woking Water and Gas Company (herein-after referred to as the water company) the following provisions shall have effect :—

(*a.*) The Undertakers before commencing any work authorised by this Order in or under any road or street in which any mains pipes works or apparatus belonging to the water company are situate shall give to the water company fourteen days notice in writing of their intention to execute such work with a plan showing the direction thereof and if the Undertakers do not within fourteen days from the delivery of such notice and plan receive from the water company any communication in writing that they object to the said work being executed in the manner shown upon the plan the Undertakers may execute the work in accordance therewith :

(*b.*) In the event of there arising at any time any injury to the water company's mains or pipes or other works or to their supply of water by reason of the works of the Undertakers or the acts or defaults of the Undertakers their agents or contractors or in the event of any loss to the water company from any interruption or contamination of their supply of water through any act or default of the Undertakers their agents or contractors the Undertakers shall be answerable for and shall pay to the water company all damages and make good all loss at any time arising therefrom :

(*c.*) All mains and pipes to be laid by the Undertakers shall subject to the approval of the road authority be laid wherever the width of the road or street will allow thereof at a distance of four feet at least from the nearest part of any main or pipe belonging to the water company unless in cases where it shall be unavoidably necessary to lay the gas pipe across or nearer to any water pipe in which cases the gas pipe shall wherever practicable be laid over and above the water pipe at the greatest practicable distance therefrom :

A.D. 1891.

Woking District Gas.

(*d.*) If at any time any difference arise between the Undertakers and the water company as to the plans for or the execution of any works or any matter arising out of or connected therewith such difference shall be referred to the absolute decision of an engineer to be appointed by the Board of Trade at the request of either party.

Differences with railway and other companies.

18. If any difference arise between the Undertakers and any railway canal or other company other than the London and South-Western Railway 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.

19. The quality of the 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.

Price of gas.

20. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant-secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by fixing a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order. Provided further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of any such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

Pressure of gas.

21 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.

22. The Undertakers before supplying gas under the authority of this Order shall 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.

23. 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.

24. 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.

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

25. 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.

Costs of Order.

26. 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.

A.D. 1891.

Woking District Gas.

SCHEDULES.

SCHEDULE A.

GAS LANDS.

A piece of land containing by admeasurement one acre and a half or thereabouts situate in the parish of Woking in the county of Surrey abutting on the north side of the Boundary Road about one hundred and forty yards west of the Monument Road which said piece of land is bounded on the south by the Boundary Road on the west by land belonging or reputed to belong to and occupied by David Walpole on the north by Horsell Common and on the east by land belonging or reputed to belong to the London Necropolis and National Mausoleum Company.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an Order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of said Act 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 as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

Price of gas with sliding scale as to dividend.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the share capital of the Undertakers as follows :—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged has exceeded the standard price be reduced below the standard rates 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 so payable by the Undertakers may in respect of each penny by which the standard price has exceeded the price so charged be increased

above the standard rates 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.

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

(iii.) 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 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 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 reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens 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 as aforesaid.

Application of further excess of profits over prescribed rates.

(iv.) 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.

Power to create a reserve fund and application thereof.

(v.) When in any year the prescribed rates on the ordinary shares or stock in the share capital of the Undertakers 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 the excess of dividend over the standard rates the Undertakers may in such year set apart such sums 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 specified date in relation to the undertaking 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 schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of existing contracts.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

A.D. 1891.

CIRENCESTER WATER.

Cirencester Water.

Order empowering the Cirencester Waterworks Company Limited to maintain and continue Waterworks and to supply Water in the Parishes of Cirencester Stratton and Coates all in the County of Gloucester.

Short title.

1. This Order may be cited as the Cirencester Water Order 1891.

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: Provided that the expression "superior court" or "court of competent jurisdiction" in any Act in whole or in part 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 the parishes of Cirencester Stratton and Coates all in the county of Gloucester.

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 any part of the district included within the limits of supply the local authority having jurisdiction within such part of the said district may provide such supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of the said district as if in either case there were no company authorised by this Order to supply water therein.

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 Cirencester Waterworks 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 share capital of the Undertakers for the purposes of the water undertaking shall not exceed sixteen thousand pounds consisting of the share capital already raised or authorised to be raised by the Undertakers amounting to ten thousand pounds (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 six thousand 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 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 or 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 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. 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.

11. 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.

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

A.D. 1891.

Cirencester Water.

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.

Limits 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 so much 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 original capital or 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.

16. In case in any year or in any half year if the Undertakers declare a dividend half-yearly 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.

Borrowing powers.

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 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.

Lands.

Power to acquire lands.

18. The Undertakers may by agreement from time to time purchase take on lease acquire and use 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 create or permit a nuisance on any

lands held by them and 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.

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

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.

Maintenance of Waterworks.

Power to maintain existing works and to supply water.

20. The Undertakers on the lands upon which the same are situate so long as they are possessed of the said lands may maintain and continue and from time to time alter enlarge renew and improve their existing waterworks herein-after described and the works connected therewith with all necessary wells conduits mains pipes sluices pumps 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.

The works herein-before referred to are situate wholly in the parish of Cirencester in the county of Gloucester and are as follows:—

(1) A well and pumping station situate upon land belonging or reputed to belong to the Undertakers in Lewis Lane near the junction of that road with Cricklade Street and with Watermoor Road.

(2) A reservoir or tank situate upon land in Oakley Park belonging or reputed to belong to the Right Honourable Allen Alexander Earl Bathurst and in the occupation of the Undertakers.

(3) An aqueduct or line of pipes commencing at the said well and pumping station and terminating at the said reservoir or tank.

For protection of Midland and South-Western Junction Railway Company the Great Western Railway Company and the Thames and Severn Canal Company.

21.—(1.) Any mains or pipes which the Undertakers may lay down (not being the repair or renewal of existing works of which the character and position are not altered) in or along any road crossing either over under or on the level of the railway of the Midland and South-Western Junction Railway Company or the railway of the Great Western Railway Company or the canal or towing path of the Thames and Severn Canal Company shall so far as they may affect any such railway or canal 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 such of the said companies as may be affected thereby and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions and the reasonable charges of such engineer shall be borne by the Undertakers Provided that where any mains or pipes require to be laid under or over any level crossing of either of the said railways or under over or on the level of the said canal or towing path the company affected thereby may if they elect so to do themselves lay the said mains or pipes at the costs charges and expenses of the Undertakers.

A.D. 1891.

Cirencester Water.

(2.) The said mains or pipes shall be so laid down 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 railways canal and towing path.

(3.) The Undertakers shall at all times keep the said railway and canal companies indemnified against all damages losses expenses or injuries which they or the traffic on their railways or canal may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes as aforesaid.

(4.) The Undertakers shall acquire only such an easement across over or under any of the railways canals works or property of the said companies or any lands belonging to any of the said companies as may be necessary for constructing or maintaining any of the works of the Undertakers and shall pay to the company from whom they acquire such easement such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation with respect to the purchase and taking of lands otherwise than by agreement and the easements so to be taken shall be deemed to be lands so far as regards the proceedings for the acquisition thereof and also for the purposes of such arbitration.

(5.) If any of the said companies at any time or times hereafter require to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid such company may on giving to the Undertakers seven days notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will permit and doing as little damage as may be without being liable to pay compensation in respect thereof.

For protection of county bridges.

22. No works at any time affecting any bridge belonging to or under the control of the Gloucestershire County Council shall be placed or constructed by the Undertakers except in accordance with plans previously submitted to and approved by the said council and signed by the surveyor of the said county.

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

23. 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 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 mains pipes or 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.

Supply.

Limits of pressure.

24. 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 tank or works authorised to be maintained by this Order.

25. 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 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) :—

Rates for supply of water for domestic purposes.

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 ten pounds per centum upon such rateable value.

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

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

Where such rateable value exceeds sixty pounds the rate of seven 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 demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another division of the said scale.

Provided also that at any time after the expiration of six years from the commencement of this Order the Board of Trade may if they think fit upon the application of any local authority having jurisdiction within the limits of supply or of any twenty or more inhabitant householders within the limits of supply or of the Undertakers by order in writing (after hearing the parties) signed by a secretary or an assistant secretary of the said Board alter the said rates by substituting any other rates for the said rates and as from the date specified in such order the rates at which the Undertakers may charge for water supplied by them for domestic purposes shall be in accordance with such order :

A copy of any such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

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. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Rates for water-closets &c.

26. In addition to the foregoing charges the Undertakers may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every

A.D. 1891.

Cirencester Water.

fixed bath capable of containing more than fifty gallons such 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. Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

Regulations for preventing waste of water.

27. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but 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. The said provisions are as follows:—

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

(2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.

(3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit.

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy.

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

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

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

Supply of water by agreement.

28. The Undertakers may from time to time by agreement supply any urban or rural sanitary authority or any company authorised to supply water without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply of water under any such agreement 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 herein 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.

29. 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.

30. 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 doing so 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.

31. 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

A.D. 1891.

Cirencester Water.

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.

32. 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.

Where several houses supplied by one pipe each to pay.

33. Where 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.

34. 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 such tenement 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.

35. 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 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 use 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.

36. 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.

37. 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 sums in one summons.

38. 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 sums.

Warrant of distress to include costs.

39. 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 &c. from acting.

40. 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.

41. 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.

Costs of Order.

42. 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.

A.D. 1891.

Matlock Water.

MATLOCK WATER.

Order empowering the Matlock Waterworks Company (Limited) to raise Additional Capital.

Short title.

1. This Order may be cited as the Matlock Water Order 1891.

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."

Construction of Order.

3. The Matlock Waterworks Act 1860 the Matlock Waterworks Act 1881 (in this Order referred to as the Acts of 1860 and 1881) and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Incorporation of Acts.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 1888 and 1889 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall mean this Order and the term "the Company" shall mean the Undertakers.

Undertakers.

Undertakers.

5. The Matlock Waterworks Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

Matlock Water.

Additional capital.

6. In addition to the original and additional capital already authorised to be raised by the Undertakers under the Acts of 1860 and 1881 (in this Order referred to as the "existing capital") the Undertakers may from time to time—

1. Raise any further sums not exceeding in the whole five thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as the "new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained on the sale thereof as herein-after provided has been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of five thousand pounds; and

2. Borrow on mortgage in respect of the new capital of five thousand pounds by this Order authorised to be raised by the issue of ordinary or preference shares or stock any sum or sums not exceeding in the whole one-fourth part of the amount payable in respect of such new capital at the time actually issued including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until shares or stock for so much of the new capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premiums (if any) have been fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

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

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

8. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

A.D. 1891.

Matlock Water.

New shares or stock to be offered by auction or tender.

9. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not 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 or stock and that the reserve price put upon such shares or stock 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.

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

10. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock 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 share or stock.

Purchase-money of capital sold by auction to be paid within three months.

11. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the whole nominal amount thereof 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 as to sale &c. of shares and stock.

12. The intention to sell any shares or stock 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 or stock not sold by auction or by tender to be offered to shareholders.

13. When any shares or stock 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 the manner provided by the Companies Clauses Act 1863. Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act 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 and stock created under the powers of this Order.

Application of premium arising on sale of shares or stock.

14. Any sum of money which may arise from the issue of any shares or stock 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.

Limits of dividend on new capital.

15. The Undertakers shall not in any year make out of their profits any larger dividend on the new capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on different classes of shares or stocks to be paid rateably.

16. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly 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 existing and new capital of the Undertakers a proportionate reduction shall be made in the dividend payable on each such class.

Existing mortgages to have priority.

17. All mortgages granted by the Undertakers under the authority of the Acts of 1860 and 1881 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Acts have priority over all mortgages granted under the authority of this Order.

Limit of interest on moneys borrowed.

18. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage under the authority of this Order.

Application of money.

19. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Acts of 1860 and 1881 to which capital is properly applicable.

Costs of Order.

20. 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.

A.D. 1891.

Seaton and Beer Water.

SEATON AND BEER WATER.

Order authorising the Construction and Maintenance of Waterworks and the supply of Water within the parish of Seaton and Beer in the county of Devon.

Short title.

1. This Order may be cited as the Seaton and Beer Water Order 1891.

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. In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order the expression "the Undertaking" shall mean the waterworks and the works connected therewith by this Order authorised to be constructed and maintained 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 Provided that the expression "superior court" or "court of competent jurisdiction" in any Act in whole or in part 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 the manor and tything of Beer in the parish of Seaton and Beer in the county of Devon: Provided that if at any time the Undertakers by agreement with the local board for the district of Seaton undertake to supply water subject to the provisions of this Order within the district of the said board the expression "limits of supply" in this Order shall from and after the date specified in such agreement be deemed to include the said district or such part thereof as may be therein specified.

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 any part of the district included within the limits of supply the local authority having jurisdiction within such

part of the said district may provide such supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of the said district as if in either case there were no company or person authorised by this Order to supply water therein.

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 Honourable Mark George Kerr Rolle the present tenant for life of the estates subject to the trusts of the will of the Right Honourable John Lord Rolle deceased (which include the said manor and tything of Beer) and Sir George Stucley Stucley Bart. and the Right Honourable Sir Massey Lopes Bart. the trustees of the said will or other the trustee or trustees for the time being thereof and the person or persons who after the decease of the said Mark George Kerr Rolle shall be the owner or owners of the manor or tything of Beer shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers":

Provided that if the undertaking is at any time assigned to any other body company or person such body company or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the persons above mentioned but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the Undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Capital.

Capital.

8. The capital of the Undertakers shall not for the purposes of the undertaking exceed seven 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.

Limits of dividend on capital.

9. The Undertakers shall not in any year make out of their profits in respect of the supply of water under the provisions of this Order any larger dividend on the said capital than ten pounds in respect of every one hundred pounds of such capital as is actually paid up Provided that if and so long as the undertaking is carried on by an individual or individuals as Undertakers and not by a duly constituted company in the construction of this section the expression "actually paid up" shall be deemed to mean actually expended on or actually being used for the purposes of the undertaking and in addition thereto two thousand pounds (as representing the value of water rights used) shall be deemed to be actually paid up.

A.D. 1891.

Seaton and Beer Water.

Lands.

Power to appropriate lands.

10. The Undertakers may appropriate and use such of the lands shown on the deposited plans as they may require for the purposes of the undertaking and they may also appropriate any other lands for the time being belonging to them for such purposes and they 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 such purposes Provided that they shall not at any time hold for such purposes more than five acres of land in the whole including the lands held by them at the commencement of this Order and that they shall not create or permit a nuisance on any such lands.

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 maintain existing works and construct additional works and supply water.

12. The Undertakers may on the lands on which the same are situate so long as they are possessed of the said lands maintain and continue and from time to time alter enlarge renew and improve their existing works herein-after described and may also on the lands shown on the deposited plans 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 wells embankments roads dams culverts sluices mains pipes engines and other works and conveniences in connexion with such existing and new works and necessary for the supply of water and may supply and sell water within the limits of supply.

The existing works herein-before referred to are situate wholly in the parish of Seaton and Beer in the county of Devon and are as follows :—

The collecting tank situate on the lands belonging or reputed to belong to the Undertakers at a point about eight chains north of Couchill Farm House :

The conduit or line of pipes leading from the said collecting tank to the interchange tank next herein-after described :

The interchange tank situate on the lands belonging or reputed to belong to the Undertakers at a point about five and a half chains east of Couchill Cottage :

The conduit or line of pipes from the said interchange tank to the existing water meter situate near the public road leading from Seaton to Beer opposite to Seaforth Lodge together with the said meter.

The new works authorised by this Order will be situate wholly in the said parish of Seaton and Beer and are as follows :—

A conduit or line of pipes commencing at the aforesaid interchange tank and terminating at the service reservoir herein-after described together with a tunnel for carrying the same :

A service reservoir fifty square yards or thereabouts in extent situate on lands belonging or reputed to belong to the Undertakers immediately adjoining the north side of the public road leading from Seaton to Beer at a point two and a quarter chains or thereabouts measured in a westerly direction from the point at which the western boundary of the Milkbear allotments strikes the said public road.

Limits of deviation.

13. In constructing the works authorised to be constructed by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans and where the line of any work is shown upon the said plans as passing along any road and no limits of lateral deviation are shown thereon they may deviate laterally to any extent within the boundaries of such road and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or seven feet downwards.

As to completion &c. of works.

14. The works authorised to be constructed by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section eleven 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 tanks wells pipes reservoirs and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

Undertakers to pay expenses of Axminster Highway Board surveyor.

15. The Undertakers shall pay all proper charges or expenses of the surveyor for the time being of the Axminster Highway Board for any additional journeys and services to inspect any road which has been broken up by the Undertakers or to superintend any work in connexion therewith.

Power to take water from Couchill Brook.

16. Subject to the provisions of this Order the Undertakers may from time to time for the purposes of the undertaking abstract divert take collect and impound in or by means of the works by this Order authorised to be maintained and constructed respectively and may use and appropriate for those purposes the waters of the stream known as the Couchill Brook and any springs or streams on or near the site of such works or any other waters in on or under any lands for the time being belonging to them or over which they may acquire any rights or easements under the provisions of this Order.

Differences with railway and other companies.

17. 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 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 mains pipes or 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.

Supply.

Pressure of water.

18. 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 reservoir authorised to be constructed by this Order.

Rates for supply of water for domestic purposes.

19. 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 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 :—

Where the rateable value of the premises so supplied with water does not amount to ten pounds the rate of six pounds per centum upon such rateable value :

Where such rateable value amounts to ten pounds but does not amount to twenty pounds the rate of five pounds and ten shillings per centum upon such rateable value :

Where such rateable value amounts to or exceeds twenty pounds the rate of five 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 obliged to furnish any such supply for any less rate than twopence per week and that the Undertakers shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another 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 or if there is no such list in force by the last rate made for the relief of the poor : Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Rates for water closets &c.

20. In addition to the foregoing charges the Undertakers may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annnm and for every fixed bath capable of containing more than fifty gallons such 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 Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

Regulations for preventing waste of water.

21. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but 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. The said provisions are as follows:—

(1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves

soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :

(2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :

(3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit :

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on the payment of a sum not exceeding twopence for each copy :

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

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

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

Supply of water by measure.

22. 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

A.D. 1891.

Seaton and Beer Water.

at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument such rent to be payable quarterly in advance and to be recoverable in all respects with and as the water rate.

Undertakers to keep meters &c. in repair.

23. 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 to be evidence.

24. 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.

25. 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.

26. Where 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.

27. 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 such tenement 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.

Penalty for injuring meters &c.

28. 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 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 use 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.

29. 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 for arrears of former tenant.

30. 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 sums in one summons.

31. 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 sums.

Warrant of distress to include costs.

32. 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 &c. from acting.

33. 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.

34. 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.

A.D. 1891.

Seaton and Beer Water.

Saving rights under lease.

35. Nothing in this Order shall prejudice or affect the rights of the Undertakers or of the Seaton Local Board with respect to the supply of water in bulk to that board or otherwise under the lease dated the sixteenth day of December one thousand eight hundred and seventy-three granted to Sir Walter Calverley Trevelyan deceased.

Costs of Order.

36. 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.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
88 and 90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.