CHAPTER lxxiv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Elstree and Boreham Wood Gas and Tonbridge Water. [15th August 1919.]

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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: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Gas and Water Orders Confirmation Act 1919. Short title.

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

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SCHEDULE.

LIST OF ORDERS.

1. Elstree and Boreham Wood Gas.—Order empowering the Elstree and Boreham Wood Gas Company Limited to raise additional capital and to continue construct and maintain existing and additional gasworks and for other purposes.

2. Tonbridge Water.—Order empowering the Tonbridge Waterworks Company Limited to maintain alter and extend certain existing waterworks to raise additional capital and for other purposes.

ELSTREE AND BOREHAM WOOD GAS.

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Elstree and Boreham Wood.

Order empowering the Elstree and Boreham Wood Gas Company Limited to raise additional capital and to continue construct and maintain existing and additional gasworks and for other purposes.

Short and collective titles.

1. This Order may be cited as the Elstree and Boreham Wood Gas Order 1919 and the Elstree and Boreham Wood Gas Order 1872 (in this Order referred to as "the Order of 1872") the Elstree and Boreham Wood Gas Order 1899 (in this Order referred to as "the Order of 1899") the Elstree and Boreham Wood Gas Order 1904 (in this Order referred to as "the Order of 1904") and this Order may be cited together as the Elstree and Boreham Wood Gas Orders 1872 to 1919.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed.

Incorporation of Acts.

3. The provisions of the Gasworks Clauses Act 1847 (except sections 30 to 34 both inclusive) and the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by or are inconsistent with the Order of 1872 the Order of 1899 the Order of 1904 or this Order) and form part of this Order:

Provided that section 13 of the Gasworks Clauses Act 1847 for the purposes of its incorporation with the Order of 1872 the Order of 1899 the Order of 1904 and this Order shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into "by the Undertakers shall be alike in terms and amount under like "circumstances to all consumers" were added at the end of that section.

Interpretation.

4. The several words terms and expressions to which by any Act incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings And in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall mean the undertaking authorised by the Order of 1872 the Order of 1899 the Order of 1904 and this Order.

Undertakers

5. The Elstree and Boreham Wood Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

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Elstree and Boreham Wood.

New Capital.

New capital.

6. The limitation prescribed by section 5 of the Order of 1904 with respect to the share capital of the Undertakers shall not prevent the Undertakers from raising for the purposes of the undertaking further share capital (in this Order referred to as "the new capital") not exceeding twenty-four thousand pounds including any premium that may be obtained on the sale of any shares under the provisions of this Order Provided that the share capital of the Undertakers for the purposes of the undertaking shall not exceed in the whole fifty thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New capital to be sold by auction or tender.

7.—(1) All shares or stock created under the powers of this Order shall be issued in accordance with the provisions of this section.

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

(A) Notice of the intended sale shall be given in writing to the clerk of the local authority of every district within the limits of supply and to the Secretary 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 shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(B) A reserve price shall be fixed by the directors and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

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

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

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

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

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

Limits of dividend on new capital.

8.—(1) 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-third of the amount of the capital of the Undertakers for the purposes of the undertaking for the time being actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares and no higher rate of interest than six 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.

(2) Section 9 of the Order of 1904 is hereby repealed.

Application of moneys.

9. All moneys raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of any shares shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of borrowing powers.

10. Except as by section 18 of the Order of 1899 expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven

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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 to be paid proportionately.

11. In case in any year or in any half-year (if the Undertakers declare a dividend half yearly) the funds of the Undertakers applicable to dividend after payment of the dividend on the preference capital (if any) of the Undertakers shall be insufficient to pay the full amount of the dividend at the authorised rates on each class of ordinary shares in the capital of the Undertakers for the purposes of the undertaking a proportionate reduction shall be made in the dividend on each such class.

Power to create a special purposes fund.

12.—(1) The Undertakers may if they think fit in any year appropriate out of their revenue in respect of the undertaking as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers (including premiums) to a fund to be called "the special purposes fund."

(2) The special purposes fund shall be applicable only to meet such charges as an accountant appointed for the purpose by the Board of Trade shall approve as being—

(A) expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

(B) expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Undertakers (including premiums).

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the undertaking of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other.

(5) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section.

Application of excess of profits over authorised rates of dividend.

13. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rates on the ordinary capital of the Company the excess shall be carried to

the credit of the divisible profits of such undertaking for the next following year:

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Provided that the sum standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the authorised rates.

Continuance Construction and Maintenance of Works and Manufacture Storage and Sale of Gas and Residual Products.

Power to continue construct and maintain works and make and sell gas &c.

14. The Undertakers on the lands described in the schedule to this Order while they continue to be possessed of the same may maintain continue alter extend enlarge improve renew or discontinue their existing or any additional gasworks and works connected therewith with all necessary machinery and apparatus and do all such acts as may be proper for manufacturing and storing gas on such lands and for supplying gas within the limits of supply and may also on the same lands construct and maintain alter enlarge renew or discontinue houses offices buildings and other works for the purposes of the undertaking.

Power to convert &c. residual products.

15. The Undertakers may also—

(A) upon the said lands so long as they are possessed of the same work up and convert the residual products arising directly or indirectly from the manufacture of gas by them;

(B) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith on the said lands manufacture other products of the same kind as the Undertakers are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Undertakers in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them;

(C) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid;

but the Undertakers shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Undertakers or purchased from other gas undertakings is merely subsidiary.

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For protection of Hertfordshire County Council.

16. The following provisions for the protection of the county council of the administrative county of Hertford (in this section referred to as "the county council") shall unless otherwise agreed between the Undertakers and the county council have effect throughout the limits of supply of the Undertakers:—

(1) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid or executed in or along any main road for the time being maintainable by the county council or in or along the roadway of any bridge so maintainable shall be laid or executed in such position in or at the side thereof as the county surveyor may reasonably direct:

(2) In the case of any new main or pipe (not being a replacement of an existing main or pipe) which it is reasonably necessary to lay over any such bridge as aforesaid otherwise than in the roadway thereof the same shall be carried on the structure of the bridge in such manner as the county surveyor may in writing reasonably direct and except as aforesaid and except in connexion with the replacement removal maintenance or repair of an existing main pipe or work the Company shall not interfere with the structural part of any such bridge as aforesaid without the consent in writing of the county surveyor which consent shall not be unreasonably withheld:

(3) Except in cases of laying down connecting or repairing consumers' service pipes or of leakage bursting or other emergency the notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such main road or bridge as aforesaid be not less than seven days instead of three days:

(4) The plan required by section 9 of the Gasworks Clauses Act 1847 shall as regards any such main road or bridge as aforesaid be on a scale of not less than 25 inches to the mile and be drawn so as to show clearly the proposed works and their proposed position and depth and shall be delivered to the county council or county surveyor by the Undertakers in cases of laying down connecting or repairing consumers' service pipes not less than three days in cases of leakage bursting or other emergency as long as possible and in all other cases fourteen days before the Undertakers commence to open or break up or interfere with any such main road or bridge as aforesaid:

(5) All works shall be so executed by the Undertakers as not to stop or (so far as reasonably practicable) impede or interfere

with the traffic of any such main road or bridge as aforesaid and the Undertakers shall not break up at any one time a greater consecutive length than fifty yards at any place where only one cart can pass at the side of the opening or two hundred yards where only two carts can pass at the same time:

(6) If the Undertakers in the execution of any works in or affecting any such main road or bridge as aforesaid shall cause any damage injury or disturbance to the same and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the county council after fourteen days notice to the Undertakers of their alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works Any difference as to the reasonableness of such works or of such costs charges and expenses shall be determined by arbitration as hereinafter in this section provided Any sums becoming payable to the county council in pursuance of this subsection shall be recoverable as a debt due from the Undertakers to the county council as soon as the amount thereof shall have been ascertained by agreement or arbitration:

(7) No claim shall be made against the county council for damage to any main pipe or other work of the Undertakers unless the Undertakers shall within forty-eight hours of the discovery of such damage have given written notice thereof to the county surveyor and shall have given him a reasonable opportunity and facilities for inspecting such work:

(8) The Undertakers shall make compensation to the county council for all damage or injury loss or expenses whatsoever which the county council may sustain by reason or in consequence of the bursting or giving way of any main pipe or other works laid after the commencement of this Order in any main road or bridge as aforesaid:

(9) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed (in default of agreement between the parties) by the President of the Institution of Civil Engineers on the application of either party under the Arbitration Act 1889.

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For protection of Midland Railway Company.

17.—(1) Notwithstanding anything in this Order the Undertakers shall not prior to the 1st August 1920 erect any works on the strip of land forming the south-westerly side of the lands described in the schedule to this Order which strip of land is striped green on the plan signed in duplicate by the Right Honourable John Henry Whitley the chairman of the Committee to whom the Confirming Bill for this Order was referred (of which plan one copy has been deposited in the Parliament Office of the House of Lords and another copy has been deposited in the Private Bill Office of the House of Commons).

(2) If prior to the said date the Midland Railway Company give notice in writing to the Undertakers that they desire to purchase the said strip of land the Undertakers shall sell and the said company shall purchase the said strip of land for such price as in default of agreement shall be determined by an arbitrator to be appointed by the Board of Trade.

Costs of Order.

18. 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.

The SCHEDULE referred to in the foregoing Order.

A piece of land situate at Boreham Wood in the parish of Elstree in the county of Hertford belonging or reputed to belong to the Undertakers comprising the inclosure numbered 162B in the said parish on the $\frac{1}{2500}$-scale Ordnance map (edition of 1914) Hertfordshire Sheet XLV.—5 containing two acres and two roods or thereabouts and lying to the south of and adjoining other lands and works belonging to the Undertakers.

TONBRIDGE WATER.

Tonbridge.

Order empowering the Tonbridge Waterworks Company Limited to maintain alter and extend certain existing waterworks to raise additional capital and for other purposes.

Preliminary.

Short and collective titles and construction of Order.

1.—(1) This Order may be cited as the Tonbridge Water Order 1919.

(2) The Tonbridge Water Order 1886 and the Tonbridge Water Order 1900 (in this Order referred to respectively as "the Order of

1886" and "the Order of 1900" and collectively as "the Orders of 1886 and 1900") and this Order may be cited together as the Tonbridge Water Orders 1886 to 1919.

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 Consolidation 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 (except the words in section 44 of the Waterworks Clauses Act 1847 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner") are (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of the Orders of 1886 and 1900 and of this Order) incorporated with this Order and the provisions of the said Waterworks Clauses Acts (except as aforesaid) shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of 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 unless there be something in the subject or context repugnant to such construction 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 waterworks and works connected therewith by this Order confirmed and authorised to be maintained constructed and continued.

Undertakers.

Undertakers.

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

Capital.

New capital.

6. Notwithstanding the limitation prescribed by the Order of 1900 with respect to the share capital of the Undertakers they may from time to time raise any further sums not exceeding in the whole thirty-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 these modes respectively (in this Order referred to as "further new capital") but the Undertakers shall not issue any share

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under the authority of this Order of less nominal value than five pounds 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 thirty-five thousand pounds.

New capital to be sold by auction or tender.

7.—(1) All shares or stock created under the powers of this Order shall be issued in accordance with the provisions of this section.

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

(A) Notice of the intended sale shall be given in writing to the clerk of the local authority of every district within the limits or supply and to the secretary 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 shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(B) A reserve price shall be fixed by the directors and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

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

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

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

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the Undertakers may think fit or to one or more of these classes of

persons only Provided that in a case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

Limit of dividend on new capital.

8. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the further new capital than seven pounds in respect of every one hundred pounds of so much of such capital as may be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than six pounds in respect of every one hundred pounds of so much of the further new capital as may be issued as preference capital.

Limit of borrowing powers.

9. Notwithstanding anything in section 10 of the Order of 1886 and section 16 of the Order of 1900 the Undertakers may borrow on mortgage of their undertaking any sum or sums of money (inclusive of any sums already borrowed by them) not exceeding in the whole one third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may have been or may be obtained on the sale of any such shares or stock but no higher rate of interest than six 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.

10. The Undertakers may for the the purposes of the water undertaking purchase or take on lease (by agreement but not otherwise) and may hold and use in addition to the lands already held by them or which they are authorised to acquire and hold under the provisions

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of the Orders of 1886 and 1900 additional land adjoining the reservoir at Hangman's Hill in the parish of Bidborough referred to in the section of this Order the marginal note of which is "Confirmation of existing works" not exceeding in the whole an area of one acre.

Undertakers may sell lease &c. spare lands.

11. The Undertakers may sell lease exchange or otherwise dispose of to such persons in such manner as the Undertakers think fit any lands and property for the time being belonging to the Undertakers which they may not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable) and on any sale lease exchange or disposal by the Undertakers of any such lands and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale lease exchange or disposal subject to such reservations accordingly and may also make any such sale lease exchange or disposal subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Power to hold lands for protection of waterworks.

12. The Undertakers may hold any lands acquired by them under the powers of the Orders of 1886 and 1900 or this Order which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Order or the Lands Clauses Acts respectively but the Undertakers shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their undertaking.

Dwelling-houses for employees offices &c.

13. The Undertakers may purchase or take on lease houses cottages and other buildings for persons in their employ and offices showrooms and other buildings for the purposes of their undertaking and may erect fit up maintain and let any such building upon any land for the time being belonging or leased to the Undertakers.

Confirmation of existing works.

14. The construction by the Undertakers of the existing works in this section described together with all incidental and ancillary works and apparatus connected therewith is hereby sanctioned and confirmed and the Undertakers may so long as they are possessed of the lands upon which the same are constructed or so long as they may be entitled to do so use maintain alter enlarge deepen and extend such works or any of them as if the same had been authorised by and constructed pursuant to the provisions of the Orders of 1886 and 1900.

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The said works are as follows:—

(1) A reservoir and works connected therewith constructed upon land containing two roods five perches or thereabouts situate at Hangman's Hill in the parish of Bidborough in the county of Kent comprising a part of the inclosure numbered 117 on the $\frac{1}{2500}$ Ordnance map sheet [L. 15 edition 1896] and in the occupation of the Undertakers as lessees of John Francis William Deacon esquire:

(2) A pumping main and line of pipes situate in the main road in the parishes of Bidborough and Southborough or one of them between the said reservoir and the boundary in or above Quarry Hill in the parish of Tonbridge.

Temporary discharge of water into streams

15.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any of their waterworks the Undertakers may cause the water in such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Undertakers shall do as little damage as may be and shall make compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

Limiting power of abstracting water

16. The Undertakers shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorized by and the lands upon which the same are to be constructed are specified in this or some other Order or Act of Parliament.

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

17. If any difference arise between the Undertakers and any railway canal or other company whose land or works the Undertakers have power to cross under the authority of the Orders of 1886 and 1900 or this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such land 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.

For protection of South Eastern Railway Company and South Eastern and Chatham Railway Companies Managing Committee.

18. For the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies Managing Committee (hereinafter respectively referred to as "the railway company") the following provisions shall (unless otherwise agreed) apply and have effect (that is to say):—

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any main pipes culverts or other works in

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the exercise of the powers contained in the Orders of 1886 and 1900 or in this Order upon across over under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the railway company or the tunnels bridges approaches viaducts stations or other works in this section together referred to as "the railways of the railway company" the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company (hereinafter in this section referred to as "the engineer") and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by the engineer in writing or in case of difference as may be determined by arbitration in manner herein-after provided Provided that in case of urgent necessity the Undertakers may carry out works of maintenance repair or renewal without the submission of plans but shall give written notice within twelve hours to the engineer of any such case of urgent necessity Provided also that if the engineer shall not within fourteen days after submission of any plans under this section notify in writing his disapproval thereof he shall be deemed to have approved the same:

(B) All such works shall be done by and at the expense of the Undertakers (except as in this section otherwise provided) who shall repay to the railway company the reasonable expense (if actually incurred) of watching while the said works are in hand and who shall also restore and make good to the reasonable satisfaction of the engineer the roads over or under any bridge of the railway of the railway company or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers Provided always that should the railway company desire to carry out the said works or any of them and shall notify such desire in writing to the Undertakers before the Undertakers shall have commenced the same the railway company may themselves execute the same under the superintendence (if the same be given) and to the reasonable satisfaction of the Undertakers or their engineer and the expense reasonably incurred by the railway company in that behalf shall be borne by the Undertakers Provided that if after any such notification is given by the railway company to the Undertakers the railway company neglect to commence such works within a reasonable time or having

commenced the same neglect to proceed with due diligence with the execution thereof the Undertakers may themselves execute the same:

(C) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the railways of the railway company and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:

(D) If the Undertakers lay down any mains or pipes in or under any embankment or over any bridge tunnel or viaduct of the railway company they shall provide and maintain such stop cocks on either side of such embankment bridge tunnel or viaduct as in the opinion of the engineer shall be necessary:

(E) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any such mains culverts pipes or works in under or near to any of the railways of the railway company and shall not be due to any default of the railway company the Undertakers shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided:

(F) The railway company may at any time or times hereafter by notice in writing signed by the engineer call upon the Undertakers to divert or alter the level of any culvert main pipe apparatus or other work of the Undertakers passing in over upon across or under or in any way affecting the railways of the railway company so as to admit of any repairs renewals widenings alterations or extensions thereof which the railway company may think necessary without being liable to pay any compensation in respect thereof but the reasonable cost of any such diversion or alteration shall be borne and paid by the railway company The Undertakers shall comply with the requirements of any such notice as soon as practicable after the receipt thereof Provided that in any case of emergency the railway company may on giving written notice thereof within twelve hours to the Undertakers divert support or carry such works of the Undertakers across over or under their lands railways tunnels bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit under the superin-

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tendence (if the same be given) and to the reasonable satisfaction of the Undertakers or their engineer and doing as little damage as may be without being liable except owing to their own negligence or default to pay compensation in respect of such diversion supporting carrying or dealing with such works:

(G) Any dispute or difference which may arise between the railway company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be agreed upon between the Undertakers and the railway company or failing agreement by an engineer to be appointed by the Board of Trade on the application of the railway company and the Undertakers or either of them.

Supply and Miscellaneous.

Limits of pressure.

19.—(1) Section 22 (Limits of pressure) of the Order of 1900 is hereby repealed.

(2) The water supplied by the Undertakers shall be constantly laid on under pressure but need not at any time be delivered at a height greater than can be reached by gravitation from the reservoir authorised by section 14 of this Order.

Supply in bulk to Southborough Urban District Council.

20. Notwithstanding anything contained in section 23 of the Order of 1886 the Undertakers shall be and shall be deemed to have always been at liberty to supply water in bulk to the Southborough Urban District Council in the said county of Kent (hereinafter in this section referred to as "the council") for distribution by the council as part of their own water supply upon such terms and for such period as shall from time to time be agreed between the Undertakers and the council.

Power to lay pipes in streets not dedicated to public use.

21. The Undertakers may but only with the consent in writing of the owner of the soil of such street on the application of the owner or occupier of any premises within the limits for the supply of water by the Undertakers abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation with the Orders of 1886 and 1900 and this Order.

Detection of waste.

22. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stop cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary

covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric wires or apparatus Provided that the Undertakers shall not break up or interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Maintenance of common pipe.

23. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Undertakers.

As to communication pipes.

24. For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Power to Undertakers to repair communication pipes.

25. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers on executing such repairs shall be recoverable by the Undertakers from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier:

Provided that except in case of emergency the Undertakers shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner or occupier of such house or premises not less than twenty-four hours previous notice of their intention so to enter.

Undertakers not bound to supply water to several houses by one pipe.

26. The Undertakers shall not be bound to supply more than one house with water by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

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Supply of water by hose pipe to stables &c.

27. When water of the Undertakers supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Undertakers may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Supply of water to houses partly used for trade &c.

28. The Undertakers shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply for farming purposes.

29. Where water supplied by the Undertakers to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof.

Power to remove water meters and fittings.

30. The Undertakers by their agents or workmen after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Undertakers to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any water pipe meter or fitting belonging to the Undertakers is laid or fixed and through or in which the supply of water is from any cause other than the default of the Undertakers discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Notice of discontinuance.

31. A notice to the Undertakers from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Undertakers or be given by the consumer personally at such office.

Notice to Undertakers connecting or disconnecting water meters.

32. Before any person connects or disconnects any meter by means of which any of the water of the Undertakers is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Undertakers of his intention to do so and all alterations or repairs and the connecting or disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Undertakers and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

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33. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Fittings let for hire not to be subject to distress.

34. Any fittings let for hire by the Undertakers shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

Purchase of undertaking by Tonbridge Urban District Council.

35. The Undertakers may sell and the urban district council of Tonbridge may purchase the undertaking upon such terms as may be agreed by and between the Undertakers and the said council Provided that the provisions of this section shall not have effect for a longer period than one year from the date of the confirmation by Parliament of this Order unless the Undertakers within the said period shall otherwise agree in writing under their common seal.

Costs of Order.

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

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