CHAPTER cvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Great Yarmouth Gas Mablethorpe and Sutton Gas Bristol Water East Kent District Water Mid Kent Water and South Kent Water. A.D. 1920.

[4th August 1920.]

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the 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 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 1920. 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.

[*Price* 2*s.* 6*d. Net.*]

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SCHEDULE.

LIST OF ORDERS.

GREAT YARMOUTH GAS.—Order authorising the Great Yarmouth Gas Company to raise additional capital.

MABLETHORPE AND SUTTON GAS.—Order empowering the Mablethorpe and Sutton Gas Company Limited to raise additional capital and for other purposes.

BRISTOL WATER.—Order authorising the Bristol Waterworks Company to construct new waterworks and conferring further powers on the Company.

EAST KENT DISTRICT WATER.—Order conferring further powers upon the East Kent District Water Company.

MID KENT WATER.—Order conferring further powers upon the Mid Kent Water Company.

SOUTH KENT WATER.—Order conferring further powers upon the South Kent Water Company.

GREAT YARMOUTH GAS.

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Great Yarmouth.

Order authorising the Great Yarmouth Gas Company to raise additional capital.

Short titles.

1. This Order may be cited as the Great Yarmouth Gas Order 1920 and the Great Yarmouth Gas Act 1863 (in this Order referred to as "the Act of 1863") and this Order may be cited together as the Great Yarmouth Gas Act and Order 1863 and 1920.

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 general Acts.

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of 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:

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts are hereby incorporated with this Order and except where the same are expressly varied by the Act of 1863 or this Order form part of this Order:

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

Interpretation.

4. In this Order the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the

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Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings.

Great Yarmouth. Undertakers.

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

Additional capital

6. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1863 they may—

(1) raise any further sums not exceeding in the whole one hundred and twenty thousand pounds (in this Order referred to as "the additional capital") by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively 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 one hundred and twenty thousand pounds;

(2) borrow on mortgage of the undertaking such sum as together with the sums which they have at the time borrowed under the powers of the Act of 1863 shall not exceed one half part of the capital by the Act of 1863 and this Order authorised to be issued and at the time actually issued by shares or stock but no part thereof shall be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 and before he so certifies that such shares or stock in respect of which the power of borrowing is being exercised including the premiums (if any) realised on the sale thereof have or has been fully paid up.

Additional capital to be part of general capital.

7. The additional capital shall form part of the general capital of the Undertakers and save as is otherwise by this Order provided the ordinary shares or stock and preference shares or stock created under the powers of this Order and the holders thereof respectively in proportion to the amount of their shares or stock shall be entitled and subject to the same dividends and the like rights of voting and any other rights qualifications privileges provisions forfeitures and liabilities whatsoever in all respects as if such ordinary shares or stock or preference shares or stock as the case may be were part of the previously existing ordinary shares or stock or preference shares or stock of the Undertakers.

Provided that the rate of dividend on such part of the additional capital as shall be issued as ordinary capital shall not exceed the rate

of seven pounds in respect of every one hundred pounds of such additional capital. A.D. 1920.

Great Yarmouth.

8.—(1) All shares or stock in the additional capital created under the powers of this Order shall be issued in accordance with the provisions of this section. New shares or stock to be sold by auction or tender.

(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 town clerk of the borough of Great Yarmouth and to the clerk to the district council of every district wholly or partly within the limits of supply of the Undertakers 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 said limits of supply:

(*b*) A reserve price shall be fixed and notice thereof 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 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 tender 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 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 in the case of an offer to holders of shares

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or stock that 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 of the Undertakers 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.

Restrictions as to votes in respect of preference shares or stock.

9. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock in the additional capital to which a preferential dividend shall be assigned.

Debenture stock.

10. The Undertakers may within the limits of the power to borrow conferred upon them by this Order create and issue debenture stock subject to the provisions of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created after the commencement of this Order and issued or granted by the Company under the Act of 1863 or this Order or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank pari passu without respect to the dates of the securities or of the Acts of Parliament or Orders or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages.

Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

11. All money raised or to be raised by the Undertakers on mortgage or debenture stock under the provisions of the Act of 1863 or this Order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this Order Provided always that this priority shall not affect any claim against the Undertakers or their property in

respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Undertakers which is entitled to rank in priority to or pari passu with the interest or dividend on their mortgages or debenture stock.

Priority of principal moneys under existing mortgages.

12. The principal moneys secured by all mortgages granted by the Undertakers in pursuance of the Act of 1863 before and subsisting at the commencement of this Order shall during the continuance of such mortgages and subject to the provisions of the Act of 1863 have priority over the principal moneys secured by any mortgages granted by virtue of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Issue of redeemable preference shares or stock or debenture stock.

13.—(1) The Undertakers may create and issue all or any of the preference shares or preference stock or debenture stock authorised to be created and issued under the powers of this Order so as to be redeemable on such terms and conditions as may be specified in a resolution of the Undertakers passed at a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Undertakers may—

(*a*) call in and pay off the shares or stock or any part thereof at any time before the fixed date of redemption; and

(*b*) redeem the shares or stock or any part thereof either by paying off the shares or stock or by issuing to any shareholder or stockholder subject to his consent other shares or stock in substitution therefor and may for the purpose of providing money for paying off the shares or stock or of providing substituted shares or stock create and issue (subject as regards preference shares or stock to the provisions of the section of this Order of which the marginal note is "New shares or stock to be sold by auction or tender") new shares or stock (either redeemable or irredeemable) or reissue shares or stock originally created and issued under this section Provided that such creation and reissue of any particular class of shares or stock does not make the total nominal amount of such shares or stock issued exceed the amount of that class of shares or stock which the Undertakers are for the time being authorised to create.

(3) The Undertakers shall not redeem out of revenue any debenture stock or preference stock or shares created under this section.

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Minimum amounts of holdings and transfer of stock.

14.—(1) Any ordinary stock preference stock or debenture stock of the Undertakers may be issued and be held in amounts of ten pounds or of any multiple of ten pounds and not otherwise and the Undertakers shall not be under any obligation to register a transfer of any such stock which would reduce the holding of the transferor below or make the holding of the transferee less than ten pounds or a multiple of ten pounds of stock of that class.

(2) Notice of the effect of this enactment shall be stated in all certificates of ordinary stock preference stock or debenture stock of the Undertakers as the case may be.

Arrears may be enforced by appointment of a receiver.

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

Application of moneys.

16. All moneys raised under this Order including premiums shall be applied only to purposes to which capital is properly applicable Any sum of money which may arise by way of premium from the issue of any shares or stock under or in pursuance of the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend but shall be deemed to be part of the paid-up capital of the Undertakers for the purpose of determining the powers of the Undertakers to raise money by borrowing.

Costs of Order.

17. 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.

MABLETHORPE AND SUTTON GAS.

Mablethorpe and Sutton.

Order empowering the Mablethorpe and Sutton Gas Company Limited to raise additional capital and for other purposes.

Preliminary.

Short titles.

1. This Order may be cited as the Mablethorpe and Sutton Gas Order 1920 and the Mablethorpe and Sutton Gas Order 1900 (in this Order referred to as "the Order of 1900") and this Order may be cited together as the Mablethorpe and Sutton Gas Orders 1900 and 1920.

Commencement of Order.

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

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Mablethorpe and Sutton.

Incorporation of Acts.

3. The Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are (so far as the same are applicable and except where the same are expressly varied by this Order) incorporated with and form part of this Order:

Provided that section 13 of the Gasworks Clauses Act 1847 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.

For the purposes of such incorporation the term "special Act" in the said Acts respectively shall be construed to mean this Order and the term "the Company" shall mean the Undertakers.

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 unless there be something in the subject or context repugnant to such construction And the expression "the undertaking" shall mean the undertaking of the Undertakers authorised by the Order of 1900 as extended by this Order and "the limits of supply" means the limits for the time being of the Undertakers for the supply of gas.

Undertakers.

Undertakers.

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

Capital.

Share capital.

6. The share capital of the Undertakers shall not for the purposes of the undertaking exceed twenty-four thousand pounds consisting of the share capital authorised by the Order of 1900 amounting to fourteen thousand pounds and of further ordinary share capital of three thousand five hundred pounds (in this Order referred to as the "B" capital) to be issued as in this section provided and of additional capital not exceeding six thousand five hundred pounds including any premium which may be obtained on the sale of any shares or stock under the provisions of this Order (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purpose further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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The shares in the "B" capital shall be issued as fully paid up to the persons who at the commencement of this Order are registered as the holders of the ordinary shares of the Undertakers rateably acccording to their respective holdings of such ordinary shares and save as in this Order otherwise provided holders of shares in the "B" capital shall in proportion to the amount of their shares be entitled and subject to all the same powers provisions liabilities privileges rights and incidents in respect thereof as holders of the ordinary shares of the Undertakers.

Additional capital to be part of general capital.

7. The additional capital and the shares or stock therein and the holders thereof respectively in proportion to the amount of their shares or stock shall be entitled and subject to the same powers provisions liabilities privileges rights and incidents whatsoever in all respects as if the additional capital and any ordinary or preference shares or stock forming any part thereof were part of the capital of the Undertakers authorised by the Order of 1900 of the same class or description and the new shares or stock were shares or stock in that capital.

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

8.—(1) All shares or stock in the additional capital 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 by special resolution determine Provided as follows:—

(*a*) Notice of the intended sale shall be given in writing to the clerk to the district council of every district wholly or partly 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 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 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 tender 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 manner prescribed by a resolution of the directors of the Undertakers 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 in the case of an offer to holders of shares or stock that 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 ordinary capital.

9. Except as is by this Order provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on the "B" capital than seven pounds in respect of every hundred pounds thereof and on so much of the additional capital as may be issued as ordinary capital than seven pounds in respect of every hundred pounds thereof as may be actually paid up and so in proportion for any amount less than a hundred pounds.

Limit of borrowing powers.

10. Notwithstanding anything contained in section 15 (Limit of borrowing powers) of the Order of 1900 the amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not exceed in the whole one-third of the amount of the capital of the Undertakers for the purposes of the undertaking at the time actually raised by the issue of shares or stock (including any premiums which may have been obtained or may be obtained on the

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sale of any such shares or stock) under the provisions of the Order of 1900 or this Order.

Limit of dividend on preference capital.

11. Notwithstanding anything contained in the Order of 1900 the Undertakers shall not declare or make out of their profits any larger dividend on so much of their share capital as may be issued as preference capital than seven pounds in respect of every hundred pounds thereof as may be actually paid up and so in proportion for any amount less than a hundred pounds.

Limit of interest on borrowed money.

12. Notwithstanding anything contained in the Order of 1900 the Undertakers shall not without the consent of the Board of Trade pay interest on moneys borrowed after the commencement of this Order and secured by mortgage of the undertaking at a higher rate than seven pounds per centum per annum.

Prohibition of payment of back dividends.

13. Notwithstanding anything contained in the Order of 1900 the Undertakers shall not apply any of their profits or funds to the payment of any dividend which shall have been earned or payable before the commencement of this Order upon the capital authorised by the Order of 1900.

Application of existing funds.

14. The Undertakers may from time to time apply to the purposes of this Order to which capital is properly applicable any moneys which they have raised or are authorised to raise under the Order of 1900.

Application of moneys.

15. All money 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 or stock under or in pursuance of the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend.

Purchase of Lands &c.

Power to purchase lands by agreement.

16. The Undertakers may purchase (by agreement but not otherwise) and hold in addition to any other lands which the Undertakers are entitled to acquire or hold under the Order of 1900 any lands and hereditaments not exceeding in the whole five acres which the Undertakers may from time to time require for the purposes of the undertaking Provided that the Undertakers 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 authorised to be so used by any Act of Parliament or Order affecting the undertaking.

Purchase of houses for servants &c.

17. The Undertakers may purchase or take on lease houses cottages and buildings for persons in their employ and offices showrooms and

buildings for the purposes of the undertaking and may erect fit up maintain and let any of such buildings upon any lands for the time being belonging or leased to the Undertakers.

Miscellaneous.

Fittings let on hire to be exempt from distress &c.

18.—(1) Any fittings engines machines stoves and other apparatus and appliances (in this section referred to as "fittings") let for hire by the Undertakers under any of their statutory powers in that behalf shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be.

(2) All fittings let for hire as aforesaid shall notwithstanding that they may be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers:

Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(3) The Undertakers shall only be entitled to the privileges and exemptions conferred by this section provided that such fittings are marked or impressed with a distinguishing mark or brand sufficiently indicating the Undertakers as the actual owners thereof.

As to construction and placing of pipes &c. between mains and meters.

19. In order to enable the Undertakers to secure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter so far as such pipes and fittings are intended to be covered over provided that the internal diameter of the pipes and fittings shall not be less than the internal diameter of the inlet to the meter:

(2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specifications shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers:

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(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to require use of anti-fluctuators for gas engines.

20. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Power to enter premises and remove fittings.

21. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Undertakers by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Undertakers shall not require to take a supply of gas

from the Undertakers or to hire from the Undertakers all or any of the pipes meters fittings or apparatus belonging to the Undertakers and let by them on hire to any former occupier of such premises:

Provided that the Undertakers shall not in any case exercise the powers of this section later than seven days from any date on which they shall have received notice in writing from such person that he does not require to take a supply of gas from the Undertakers or to hire from them any such pipes meters fittings or apparatus.

Gas consumers to give notice to Undertakers before removing.

22. At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer either personally at the office of the Undertakers or in writing before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

Power to refuse supply to persons in debt for other premises.

23. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by the Undertakers without paying to them all gas charges and meter rent due from him to the Undertakers then (unless the payment is withheld in consequence of a bona-fide dispute between such person and the Undertakers) the Undertakers may refuse to furnish to him a supply of gas until he pays such charges and rent.

Notice to discontinue supply of gas.

24. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas 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.

Amending obligations as to supply of gas.

25. Notwithstanding anything contained in any enactment to the contrary the Undertakers shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is insufficient for such purpose or if and so long as any such supply would in the opinion of the Undertakers interfere with the sufficiency of the gas required to be supplied by means of such main for lighting or domestic use.

As to mode of cutting off supplies.

26.—(1) In any case in which the Undertakers are by virtue of any enactment relating to their undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful

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for the Undertakers without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Undertakers) and any person who shall reconnect such service pipe with the meter without the consent of the Undertakers shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847:

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Undertakers shall (subject to the conditions specified in section 22 of the Gasworks Clauses Act 1871) have and may exercise the like powers of entry as are exerciseable under the said section 22 for the purposes of that section.

Expenses of reconnecting discontinued supply.

27. In any case in which in consequence of any default on the part of the occupier of any premises the Undertakers have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Undertakers the expenses of reconnecting the supply and the Undertakers shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

Supply in bulk.

28. The Undertakers may contract with any local authority company or person authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

For protection of Great Northern Railway Company.

29. Notwithstanding anything contained in the Order of 1900 all gas supplied by the Undertakers to any station of the Great Northern Railway Company shall be supplied at such pressure in any main or service pipe of two inches diameter and upwards as to balance a column of water not less than twenty-tenths of an inch in height at the inlet of the primary meter or meters registering the supply to that company.

Authentication and service of notices by Undertakers.

30. Any notice to be served by the Undertakers on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary or other officer of the Undertakers for the time being authorised in writing by the directors being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a

supply of gas or gas fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed thereto in writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Recovery of demands.

31. Proceedings for the recovery of any demand made under the authority of the Order of 1900 or of this Order or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Costs of Order.

32. 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.

BRISTOL WATER.

Bristol.

Order authorising the Bristol Waterworks Company to construct new waterworks and conferring further powers on the Company.

Preliminary.

Short titles.

1. This Order may be cited as the Bristol Waterworks Order 1920 and the Bristol Waterworks Acts 1862 to 1917 and this Order may be cited together as the Bristol Waterworks Acts and Order 1862 to 1920.

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 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 Bristol Waterworks Acts 1862 to 1917 and this Order) incorporated with this Order.

A.D. 1920.

Bristol.

Interpretation.

4. The several words terms and expressions to which by the Acts 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.

In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

Undertakers.

Undertakers.

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

Works.

Power to maintain and construct waterworks.

6. Subject to the provisions of this Order the Undertakers may in upon or under the lands or in or under the streets roads or highways as shown on the deposited plans but as regards such lands only while they are possessed of the same or of any necessary rights or easements entitling them so to do make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the following works in the parish city and county borough of Bristol:—

Work No. 1.—A pumping station and service reservoir situate in the enclosure belonging or reputed to belong to the Undertakers and numbered 1789 on the $\frac{1}{2500}$ Ordnance map of the said parish (1916 edition) sheets LXII. 11 and LXII. 15;

Work No. 2.—A line of pipes (No. 1) commencing in the service reservoir (Work No. 1) and terminating by a junction with the line of pipes (No. 2) (Work No. 3) in Lodge Road;

Work No. 3.—A line of pipes (No. 2) commencing by a junction with the Undertakers' existing line of pipes in Lodge Road and terminating in Lodge Causeway opposite the south-western corner of Thickett Road;

Work No. 4.—A line of pipes (No. 3) commencing by a junction with the Undertakers' existing line of pipes in Lodge Road and terminating at a point on the northern side of Wood Road two chains or thereabouts measured in a westerly direction from the north-western corner of Clare Road;

together with all such cuts channels catchwaters pipes conduits banks and other subsidiary works engines machinery and apparatus as may be necessary or convenient in connection with the before-mentioned works or any of them.

Limits of deviation.

7. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of

deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the pumping station and reservoir three feet upwards and five feet downwards and in the case of the other works three feet upwards and ten feet downwards Provided always that the Undertakers may in constructing such works or any of them in or upon the lands shown on the deposited plans which for the time being belong to the Undertakers deviate beyond such limits laterally and vertically to such extent as they may think necessary.

Completion of works.

8. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided always that subject to the restrictions and provisions of this Order the Undertakers may from time to time repair alter enlarge extend and renew such works and lay down additional lines of pipes along the routes of the lines of pipes by this Order authorised in such way and manner as may be requisite or advisable for supplying water within their limits of supply.

Limiting powers of Undertakers to abstract water.

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

Differences with road authority.

10. If any difference arise between the Undertakers and any road authority as to the mode of laying down repairing altering or enlarging extending or renewing their pipes or as to facilities to be afforded for the same or as to any other matter herein referred to the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration.

Miscellaneous.

Power to purchase waterworks.

11. The Undertakers may purchase by agreement any waterworks other than works for taking or intercepting water which may have been constructed within their limits of supply by any other authority body or person and the same when purchased may be held maintained and used by the Undertakers for the purposes and as part of their Undertaking.

As to authorised but unissued capital.

12. Notwithstanding anything contained in any Act relating to the Undertakers the directors of the Undertakers may create and issue as preference capital with a dividend at such rate as the said directors may determine at the time or times of the creation thereof

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Bristol.

any capital which at the commencement of this Order the Undertakers are by the Bristol Waterworks Act 1902 authorised to create and issue as ordinary or preference capital and which the Undertakers have not at such date issued and that notwithstanding any resolution already passed relating to the creation or issue of such capital and the provisions of section 54 (Company may issue redeemable preference and loan capital) of the Bristol Waterworks Act 1917 shall extend and apply to any such preference capital as if the same were authorised by that Act.

Issue of authorised loan capital as redeemable capital &c.

13.—(1) The provisions of section 54 (Company may issue redeemable preference and loan capital) of the Bristol Waterworks Act 1917 shall extend and apply to any debentures or debenture stock granted or created and issued under the Bristol Waterworks Acts 1902 and 1914 or either of them as if the same were authorised by the said Act of 1917.

(2) Notwithstanding anything contained in any Acts relating to the Undertakers any mortgages debentures or debenture stock granted or created and issued after the commencement of this Order under the Bristol Waterworks Act 1917 as amended by this Order may be mortgages debentures or debenture stock bearing interest at such rate as the directors of the Undertakers may determine at the time or times of the grant or creation thereof.

Power to apply funds.

14. The Undertakers may apply to any of the purposes of this Order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the Bristol Waterworks Acts and Order 1862 to 1920 or any of them.

Amendment of section 28 of Act of 1917.

15. The provisions of section 28 of the Bristol Waterworks Act 1917 shall be read and construed as if the height referred to in subsection (4) of section 28 of that Act were 16·96 feet above Ordnance datum instead of 18·32 feet above Ordnance datum as in that subsection mentioned and the new dam or clyse referred to in the said subsection shall be so constructed by the Undertakers that the top cill thereof can be fixed or adjusted at 16·96 feet above Ordnance datum or at any height within twelve inches below 16·96 feet above ordnance datum.

For protection of Bristol Gas Company.

16. The following sections of the Bristol Waterworks Act 1862 (that is to say)—

Section 102 (Water pipes to be distinguished from gas pipes);

Section 103 (Preserving space between gas and water pipes); and

Section 104 (Water Company to give notice to Gas Companies of their intention to open streets and vice versâ)

are incorporated with and form part of this Order.

17. 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. 1920. *Bristol.* Costs of Order.

EAST KENT DISTRICT WATER.

Order conferring further powers upon the East Kent District Water Company. *East Kent District.*

1. This Order may be cited as the East Kent District Water Order 1920 and the East Kent District Water Act 1889 (in this Order referred to as "the Act of 1889") the East Kent District Water Order 1910 (in this Order referred to as "the Order of 1910") so much of the Mid Kent and East Kent District Water Act 1913 (in this Order referred to as "the Act of 1913") as relates to the East Kent District Water Company or their undertaking and this Order may be cited collectively as the East Kent District Water Acts and Orders 1889 to 1920. Short and collective titles.

2. Except so far as otherwise expressly provided 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. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the following matters (that is to say):— Incorporation of Acts.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of 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;

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East Kent District.

The giving of notices; and

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

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts 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 be construed to mean this Order and the term "Company" shall mean the Undertakers.

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 unless there be something in the subject or context repugnant to such construction.

Undertakers.

5. The East Kent District Water Company incorporated by the Act of 1889 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional percentage of rates rents and charges.

6.—(1) As from the twenty-ninth day of September one thousand nine hundred and twenty the Undertakers may in addition to the rates rents and charges they may demand and take under the Act of 1889 the Order of 1910 and the section of this Order the marginal note of which is "Rates for supply by meter in certain cases" demand and take fifty per centum of such rates rents and charges (which fifty per centum or whatever additional percentage shall be from time to time in force under the provisions of this section is hereinafter in this Order called "the additional percentage") and in calculating such additional percentage any fraction of a penny shall be charged as one penny.

(2) Subject to the provisions of any general Act which may hereafter be passed relating to charges for the supply of water the Board of Trade may if they think fit on the application of the Undertakers or of a local authority having jurisdiction within the limits of supply made at any time and from time to time after the twenty-ninth day of September one thousand nine hundred and twenty-five by order vary (either by way of increase or decrease) the additional percentage by substituting therefor any other percentage.

Any such order shall be in writing signed by a secretary or assistant secretary of the Board of Trade and a copy thereof 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.

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East Kent District.

(3) In any case in which under the East Kent District Water Acts 1889 to 1920 a maximum or minimum rate rent or sum is prescribed such maximum or minimum rate rent or sum shall be increased to the extent of the additional percentage.

(4) As from the said twenty-ninth day of September one thousand nine hundred and twenty the East Kent District Water (Temporary Increase of Charges) Order 1919 is hereby repealed.

Amendment of rates for private baths.

7. Notwithstanding anything contained in section 37 (Rate at which water is to be supplied for domestic purposes) and (Rates for water-closets and private baths) of the Act of 1889 the Undertakers shall not charge for a bath capable of containing not more than fifty gallons on any premises within the limits of supply to which a supply of water is furnished by the Undertakers and the rateable value of which does not exceed ten pounds any greater additional sum than six shillings per annum.

Supply to houses partly used for trade.

8. 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 a part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply by meter in certain cases.

9. The Undertakers shall not be bound to supply with water any workhouse hospital asylum (whether public or private) or sanatorium or any public institution otherwise than by meter upon such terms as may be agreed between the Undertakers and the occupier or other person having the charge thereof or at the rates which the Undertakers are under the provisions of the section of this Order the marginal note whereof is "Rates for supply by meter in certain cases" entitled to charge for supply by meter Provided that the provisions of this section shall not apply to any such premises which are habitually occupied by less than twelve persons.

Further provision as to supply by meter for certain purposes.

10.—(1) The Undertakers shall not if a hose pipe or other similar apparatus is used be compelled to supply water for use for washing carriages motor cars or other vehicles or for use for other purposes in stables or premises where carriages or motor cars are kept otherwise than by meter at the rates which the Undertakers are under the provisions of the section of this Order the marginal note whereof is "Rates for supply by meter in certain cases" entitled to charge for supply by meter provided that the minimum sum for which the Undertakers shall be compellable to afford a supply for such purposes shall be ten shillings in any one year.

(2) In all cases to which this section shall apply and in which a meter with an inlet and outlet not exceeding respectively three-eighths of one inch in diameter is sufficient for the purpose of the supply the

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Undertakers shall supply and fix the meter at their own expense and shall not be entitled to charge for the use of the same any higher rent than six shillings per annum.

Rates for supply by meter in certain cases.

11. Notwithstanding anything contained in section 39 (Power to Company to supply water for other than domestic purposes) of the Act of 1889 the prices to be charged by the Undertakers to those owners or occupiers who under the provisions of the East Kent District Water Acts and Orders 1889 to 1920 are compellable by the Company to accept a supply by meter shall be as follows:—

Where the quantity taken in any quarter of a year shall not exceed fifty thousand gallons at a rate not exceeding two shillings for every thousand gallons:

Where the quantity taken in any quarter of a year shall exceed fifty thousand gallons then at a rate not exceeding one shilling and sixpence for every thousand gallons in excess of the first fifty thousand gallons supplied in any quarter:

Provided that (except as by this Order otherwise provided) the Undertakers shall not be compellable to afford a supply by meter for a less sum than four pounds in any one year or a sum equal to the amount payable for the time being for a supply of water for domestic purposes to premises of a like rateable value whichever is lower.

Maintenance of common pipe.

12. 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.

Power to lay pipes in private streets.

13. The Undertakers may on the application of the owner or occupier of any premises within the limits of supply 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 in this Order and as if the street were under the control or management of the local authority.

Power to lay mains in streets outside for purposes of supply within water limits.

14. The Undertakers shall in so much of any streets or roads in the county of Kent outside the limits of supply as constitute the boundary of any parish within those limits as the Undertakers shall require to break up for the purpose of laying pipes for supplying water within the same limits have and be entitled to exercise all the rights powers and authorities conferred by the provisions of the

Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the said provisions shall apply to so much of the said streets or roads as aforesaid as if the same were within the limits of supply.

As to breaking up of ground for laying communication pipes.

15. For the purpose of complying with any obligation under the East Kent District Water Acts and Orders 1889 to 1920 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 for directors of Undertakers to determine remuneration of secretary.

16. In addition to the powers which the directors of the Undertakers may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary of the Undertakers.

Power to erect cottages.

17. The Undertakers may hold acquire maintain and let houses cottages offices and other buildings for persons in their employment or for the purposes of or in connection with their undertaking and may erect maintain and let any of such buildings upon any lands for the time being belonging or leased to the Undertakers Provided that in the exercise by the Undertakers of the powers of this section the Undertakers shall be subject to the provisions of the Public Health Acts and any Act amending the same and of any byelaws made thereunder.

Additional capital and borrowing powers.

18. The following amendments shall be and are hereby made in the sections of the Act of 1913 hereinafter mentioned and the provisions of those sections shall be read and take effect in all respects as if such amendments had been originally enacted therein:—

(*a*) Section 57 (Power to East Kent Company to raise additional capital) shall be amended by the substitution of the words "ninety thousand pounds" for the words "forty-five thousand pounds." wherever those words occur in the said section:

(*b*) So much of section 59 (Limits of dividend on new capital) as relates to the Undertakers shall be amended in relation to so much of the capital therein referred to as shall not have been issued at the commencement of this Order by the substitution of the word "eight" for the word "seven" and of the word "seven" for the word "six" wherever those words respectively occur in the said section:

(*c*) So much of section 61 (Power to borrow) as relates to the Undertakers shall be amended by the substitution of the words "ninety thousand pounds" for the words "forty-five thousand pounds" in the said section:

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East Kent District.

(*d*) So much of section 62 (Appointment of receiver) as relates to the Undertakers shall be amended by the substitution of the words "two thousand five hundred pounds" for the words "one thousand seven hundred and fifty pounds" in the said section.

Provision as to unissued capital authorised by Order of 1910.

19. Section 21 (Limits of dividend on new capital) of the Order of 1910 shall so far as it relates to any new capital of the Undertakers authorised by that Order which shall not have been issued at the commencement of this Order be amended by the substitution of the word "eight" for the word "seven" and of the word "seven" for the word "six" wherever those words respectively occur in the said section.

As to issue of additional capital under Order of 1910 and Act of 1913.

20. Nothing in the East Kent District Water Acts and Orders 1889 to 1920 shall operate or take effect so as to prevent the Undertakers from fixing the reserve price at which so much of the capital authorised by the Order of 1910 or the Act of 1913 as shall not have been issued at the commencement of this Order shall be first offered for sale (whether by auction or tender) at a sum less than the full nominal amount of such capital or from disposing of such capital at such sum as aforesaid.

Extension of period limited for construction of works under Act of 1913.

21. The time limited by section 15 of the Act of 1913 for the completion of the works by that Act authorised to be constructed by the Undertakers is hereby extended until the fifteenth day of August one thousand nine hundred and twenty-six.

Costs of Order.

22. 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.

MID KENT WATER.

Mid Kent.

Order conferring further powers upon the Mid Kent Water Company.

Short and collective titles.

1. This Order may be cited as the Mid Kent Water Order 1920 and the Mid Kent Water Acts 1898 and 1900 (in this Order respectively referred to as "the Act of 1898" and "the Act of 1900") the Mid Kent Water Orders of 1901 1902 1903 1906 and 1907 (in this Order separately referred to as the Order of the year in which the Act confirming the same was passed) and so much of the Mid Kent and East Kent District Water Act 1913 (in this Order referred to as "the Act of 1913") as relates to the Mid Kent Water Company or their undertaking and this Order may be cited collectively as the Mid Kent Water Acts and Orders 1898 to 1920.

2. Except so far as otherwise expressly provided 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. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the following matters (that is to say) :— Incorporation of Acts.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of 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) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts are (except where expressly varied by this Order) incorporated with and form part of this Order:

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

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 unless there be something in the subject or context repugnant to such construction. Interpretation.

5. The Mid Kent Water Company incorporated by the Act of 1898 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

6.—(1) As from the twenty-ninth day of September one thousand nine hundred and twenty the Undertakers may in addition to the rates rents and charges they may demand and take under the Mid Kent Additional percentage of rates rents and charges.

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Mid Kent.

Water Acts and Orders 1898 to 1920 demand and take fifty per centum of such rates rents and charges (which fifty per centum or whatever additional percentage shall be from time to time in force under the provisions of this section is hereinafter in this Order called "the additional percentage") and in calculating such additional percentage any fraction of a penny shall be charged as one penny.

(2) Subject to the provisions of any general Act which may hereafter be passed relating to charges for the supply of water the Board of Trade may if they think fit on the application of the Undertakers or of a local authority having jurisdiction within the limits of supply made at any time and from time to time after the twenty-ninth day of September one thousand nine hundred and twenty-five by order vary (either by way of increase or decrease) the additional percentage by substituting therefor any other percentage.

Any such order shall be in writing signed by a secretary or assistant secretary of the Board of Trade and a copy thereof 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.

(3) In any case in which under the Mid Kent Water Acts and Orders 1898 to 1920 a maximum or minimum rate rent or sum is prescribed such maximum or minimum rate rent or sum shall be increased to the extent of the additional percentage.

(4) The additional percentage shall be chargeable and recoverable by the Undertakers notwithstanding any provision contained in the Mid Kent Water Acts and Orders 1898 to 1920 to the contrary and in particular the rates and charges at which the Undertakers shall as from the said twenty-ninth day of September one thousand nine hundred and twenty be compellable to supply water under the provisions of the following sections of the Act of 1900 the Order of 1902 and the Act of 1913 shall by virtue of this Order be increased by the additional percentage upon the respective amounts specified in the said sections respectively and the said sections shall in all respects be read and have effect accordingly :—

Act or Order.	Section.
Act of 1900	Section 11 (For protection of East Ashford Rural District Council) as amended by section 44 of the Act of 1913.
Act of 1900	Section 17 (For protection of Drax Estate).
Order of 1902	Section 8 (For protection of Hollingbourne District Council).

Act or Order.	Section.	A.D. 1920. *Mid Kent.*
Act of 1913	Section 39 (Supply of water for agricultural manufacturing or trade purposes in Maidstone Rural District).	
Act of 1913	Section 42 (For protection of guardians of poor of Maidstone Union).	

(5) As from the said twenty-ninth day of September one thousand nine hundred and twenty the Mid Kent Water (Temporary Increase of Charges) Order 1919 is hereby repealed.

Amendment of Act of 1898 as to supply by meter in certain cases.

7. In addition to the cases specified in section 63 (Certain provisions as to supply) of the Act of 1898 the Undertakers shall not be compelled to supply water to any asylum (whether public or private) or any sanatorium otherwise than by meter upon such terms as may be from time to time agreed between the Undertakers and the guardians trustees managers or other persons having the charge of such asylum or sanatorium or as in case of difference may be from time to time determined by an arbitrator to be appointed by the Board of Trade Provided that the provisions of this section shall not apply to any such premises as are habitually occupied by less than twelve persons.

Maintenance of common pipe.

8. 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.

Additional capital and borrowing powers.

9. The following amendments shall be and are hereby made in the sections of the Act of 1913 hereinafter mentioned and the provisions of those sections shall be read and take effect in all respects as if such amendments had been originally enacted therein :—

(*a*) Section 56 (Power to Mid Kent Company to raise additional capital) shall be amended by the substitution of the words "one hundred and sixty thousand pounds" for the words "eighty thousand pounds" wherever those words occur in the said section :

(*b*) So much of section 59 (Limits of dividend on new capital) as relates to the Undertakers shall be amended in relation to so much of the capital therein referred to as shall not have been issued at the commencement of this Order by

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Mid Kent.

the substitution of the word "eight" for the word "seven" and of the word "seven" for the word "six" wherever those words respectively occur in the said section:

(*c*) So much of section 61 (Power to borrow) as relates to the Undertakers shall be amended by the substitution of the words "one hundred and sixty thousand pounds" for the words "eighty thousand pounds" in the said section:

(*d*) So much of section 62 (Appointment of receiver) as relates to the Undertakers shall be amended by the substitution of the words "six thousand five hundred pounds" for the words "five thousand pounds" in the said section.

As to issue of additional capital under Act of 1913.

10. Nothing in the Mid Kent Water Acts and Orders 1898 to 1920 shall operate or take effect so as to prevent the Undertakers from fixing the reserve price at which so much of the capital authorised by the Act of 1913 as shall not have been issued at the commencement of this Order shall be first offered for sale (whether by auction or tender) at a sum less than the full nominal amount of such capital or from disposing of such capital at such sum as aforesaid.

Extension of period limited for construction of works under Act of 1913.

11. The time limited by section 15 of the Act of 1913 for the completion of the works by that Act authorised to be constructed by the Undertakers is hereby extended until the fifteenth day of August one thousand nine hundred and twenty-six.

Costs of Order.

12. 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.

SOUTH KENT WATER.

South Kent.

Order conferring further powers upon the South Kent Water Company.

Short and collective titles.

1. This Order may be cited as the South Kent Water Order 1920 and the South Kent Water Act 1889 (in this Order referred to as "the Act of 1889") the South Kent Water Order 1910 (in this Order referred to as "the Order of 1910") and this Order may be cited collectively as the South Kent Water Act and Orders 1889 to 1920.

Commencement of Order.

2. Except so far as otherwise expressly provided 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,"

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of 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) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts are (except where expressly varied by this Order) incorporated with and form part of this Order.

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

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 unless there be something in the subject or context repugnant to such construction. Interpretation.

5. The South Kent Water Company incorporated by the Act of 1889 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

6.—(1) As from the twenty-ninth day of September one thousand nine hundred and twenty the Undertakers may in addition to the rates rents and charges they may demand and take under the Act of 1889 the Order of 1910 and the section of this Order whereof the marginal note is "Rates for supply by meter in certain cases" demand and take fifty per centum of such rates rents and charges (which fifty per centum or whatever additional percentage shall be from time to time Additional percentage of rates rents and charges.

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in force under the provisions of this section is hereinafter in this Order called "the additional percentage") and in calculating such addition any fraction of a penny shall be charged as one penny.

(2) Subject to the provisions of any general Act which may hereafter be passed relating to charges for the supply of water the Board of Trade may if they think fit on the application of the undertakers or of a local authority having jurisdiction within the limits of supply made at any time and from time to time after the twenty-ninth day of September one thousand nine hundred and twenty-five by order vary (either by way of increase or decrease) the additional percentage by substituting therefor any other percentage.

Any such order shall be in writing signed by a secretary or assistant secretary of the Board of Trade and a copy thereof 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.

(3) In any case in which under the South Kent Water Act and Orders 1889 to 1920 a maximum or minimum rate rent or sum is prescribed such maximum or minimum rate rent or sum shall be increased to the extent of the additional percentage.

(4) As from the said twenty-ninth day of September one thousand nine hundred and twenty the South Kent Water (Temporary Increase of Charges) Order 1919 is hereby repealed.

Amendment of rates for private baths.

7. Notwithstanding anything contained in section 37 (Rate at which water is to be supplied for domestic purposes) and (Rates for waterclosets and private baths) of the Act of 1889 the Undertakers shall not charge for a bath capable of containing not more than fifty gallons on any premises within the limits of supply to which a supply of water is furnished by the Undertakers and the rateable value of which does not exceed ten pounds any greater additional sum than six shillings per annum.

Supply to houses partly used for trade.

8. The Company shall not be compelled 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 by meter in certain cases.

9. The Undertakers shall not be bound to supply with water any workhouse hospital asylum (whether public or private) or sanatorium or any other public institution otherwise than by meter upon such terms as may be agreed between the Undertakers and the occupier or other person having the charge thereof or at the rates which the Undertakers are under the provisions of the section of this Order the

marginal note whereof is "Rates for supply by meter in certain cases" entitled to charge for supply by meter Provided that the provisions of this section shall not apply to any such premises which are habitually occupied by less than twelve persons.

Further provision as to supply by meter for certain purposes.

10.—(1) The Undertakers shall not if a hose pipe or other similar apparatus is used be compelled to supply water for use for washing carriages motor cars or other vehicles or for use for other purposes in stables or premises where carriages or motor cars are kept otherwise than by meter at the rates which the Undertakers are under the provisions of the section of this Order the marginal note whereof is "Rates for supply by meter in certain cases" entitled to charge for supply by meter Provided that the minimum sum for which the Undertakers shall be compellable to afford a supply for such purposes shall be ten shillings in any one year.

(2) In all cases to which this section shall apply and in which a meter with an inlet and outlet not exceeding respectively three-eighths of one inch in diameter is sufficient for the purpose of the supply the Undertakers shall supply and fix the meter at their own expense and shall not be entitled to charge for the use of the same any higher rent than six shillings per annum.

Rates for supply by meter in certain cases.

11. Notwithstanding anything contained in section 39 (Power to Company to supply water for other than domestic purposes) of the Act of 1889 the prices to be charged by the Undertakers to those owners or occupiers who under the provisions of the South Kent Water Act and Orders 1889 to 1920 are compellable by the Company to accept a supply by meter shall be as follows:—

Where the quantity taken in any quarter of a year shall not exceed fifty thousand gallons at a rate not exceeding two shillings for every thousand gallons:

Where the quantity taken in any quarter of a year shall exceed fifty thousand gallons then at a rate not exceeding one shilling and sixpence for every thousand gallons in excess of the first fifty thousand gallons supplied in any quarter:

Provided that the Undertakers shall not be compellable to afford a supply by meter for a less sum than four pounds in any one year or a sum equal to the amount payable for the time being for a supply of water for domestic purposes to premises of a like rateable value whichever is lower.

Maintenance of common pipe.

12. 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

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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.

Power to lay pipes in private streets.

13. The Undertakers may on the application of the owner or occupier of any premises within the limits of supply 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 Acts 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Order.

Power to lay mains in streets outside for purposes of supply within water limits.

14. The Undertakers shall in so much of any streets or roads in the county of Kent outside the limits of supply as constitute the boundary of any parish within those limits as the Undertakers shall require to break up for the purpose of laying pipes for supplying water within the same limits have and be entitled to exercise all the rights powers and authorities conferred by the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the said provisions shall apply to so much of the said streets or roads as aforesaid as if the same were within the limits of supply.

As to breaking up of ground for laying communication pipes.

15. For the purpose of complying with any obligation under the South Kent Water Act and Orders 1889 to 1920 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 for directors of Undertakers to determine remuneration of secretary.

16. In addition to the powers which the directors of the Undertakers may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary of the Undertakers.

As to appointment of managing director.

17.—(1) The directors of the Undertakers may appoint one or more of their body to be managing director or managing directors of the Undertakers either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or

commission or participation in profits or by all or any of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exerciseable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers Provided that the directors shall be responsible for the acts of any director acting under the powers of this section.

Power to erect cottages.

18. The Undertakers may hold acquire maintain and let houses cottages offices and other buildings for persons in their employment or for the purposes of or in connection with their undertaking and may erect maintain and let any of such buildings upon any lands for the time being belonging or leased to the Undertakers Provided that in the exercise by the Undertakers of the powers of this section the Undertakers shall be subject to the provisions of the Public Health Acts and any Act amending the same and of any byelaws made thereunder.

Additional capital and borrowing powers.

19. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1889 and the Order of 1910 they may—

(1) raise any further sums not exceeding in the whole twenty 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 "the new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten 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 twenty thousand pounds;

(2) borrow on mortgage in respect of the new capital any sum or sums not exceeding in the whole one-fourth part of the amount of the new capital at the time actually issued by shares or stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until 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 and stock including the premiums (if any) realised on the sale thereof have been fully paid up.

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Application of certain sections of Order of 1910.

20. Subject to the provisions of this Order the provisions of the following sections of the Order of 1910 (namely):—

Section 7 (As to conversion of borrowed money into capital);

Section 8 (Except as otherwise provided new shares or stock to be subject to same incidents as other shares or stock);

Section 9 (New capital to be sold by auction or tender);

Section 10 (Application of premium arising on issue of shares or stock);

Section 11 (Power to create debenture stock);

shall apply and have effect (mutatis mutandis) to the new capital as if the same had been expressly incorporated with this Order.

Existing mortgages to have priority.

21. All mortgages granted by the Undertakers under the authority of the Act of 1889 or the Order of 1910 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 that Act or Order have priority over any mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Appointment of receiver.

22. Section 13 (For appointment of a receiver) of the Order of 1910 is hereby repealed as from the commencement of this Order but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending under any such provisions The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand five hundred pounds in the whole.

Limits of dividend on new capital.

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

Preference shares or stock may be created subject to redemption.

24. Any preference shares or stock created and issued under the powers of this Order may be issued subject to the conditions that the same may be redeemed by the Undertakers at such times and on

such terms and conditions as shall be expressed on the certificates of such shares or stock.

Power to apply funds.

25. The Undertakers may apply to any of the purposes of this Order or of the Act of 1889 or of the Order of 1910 to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the Act of 1889 the Order of 1910 or this Order and which are not required for the purposes to which they are by the said Act or Orders made specially applicable.

Application of moneys.

26. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1889 the Order of 1910 and this Order to which capital is properly applicable.

As to issue of capital under Act of 1889.

27. Nothing in the South Kent Water Act and Orders 1889 to 1920 shall operate or take effect so as to prevent the Undertakers from fixing the reserve price at which so much of the capital authorised by the Act of 1889 as shall not have been issued at the commencement of this Order shall be first offered for sale (whether by auction or tender) at a sum less than the full nominal amount thereof or from disposing of such capital at such sum as aforesaid.

Costs of Order.

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

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