# CHAPTER lxxiii.

An Act for incorporating the Holywell and District Water Company and empowering them to construct Waterworks and supply Water and for other purposes. A.D. 1887.

[5th July 1887.]

WHEREAS the present supply of water to Holywell Brynford Greenfield Bagillt and neighbouring places in the county of Flint is insufficient for the wants of the inhabitants thereof and it is expedient to improve such supply:

And whereas the persons in that behalf in this Act named with others are willing at their own expense to provide a better supply of water to Holywell Brynford Greenfield Bagillt and neighbouring places on being incorporated into a Company with the necessary powers for that purpose and it is expedient that they be incorporated accordingly and be empowered to make maintain and acquire the works in this Act mentioned:

And whereas under the provisions of the Holywell Water Order 1873 (confirmed by the Act 36 and 37 Victoria chapter lxxxi.) and the Holywell Water Order 1878 (confirmed by the Act 41 and 42 Victoria chapter lvi.) the Holywell and District Waterworks Company Limited (in this Act referred to as the limited company) were authorised to construct certain waterworks and to supply the town of Holywell and neighbourhood with water:

And whereas the limited company have with the exception of a small reservoir and other minor works failed to construct the waterworks authorised by the said orders and the time authorised for the construction and completion of those works has expired:

And whereas the limited company are insolvent and their affairs are being wound up and it is expedient that the liquidator of that Company be authorised to sell to the Company the reservoir and works constructed by the limited company:

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also a book of reference to the plans containing the names of the owners or reputed

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owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Flint and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the objects of this Act cannot be effected without the authority of Parliament:—

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

**1.** This Act may be cited as the Holywell and District Water Act 1887.

Incorporation of general Acts.

**2.** The Companies Clauses Consolidation Act 1845 and Part I. (relating to the cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act referred to as the Lands Clauses Acts) the Waterworks Clauses Acts 1847 and 1863 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act but the incorporated provisions of the Railways Clauses Consolidation Act 1845 shall apply only to the reservoirs by this Act authorised.

Interpretation of terms.

**3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction: Provided that in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act for the purposes of this Act—

"The railway" means the reservoirs by this Act authorised to be constructed:

"Centre of the railway" means with respect to the reservoirs by this Act authorised to be constructed the boundary of such reservoirs:

And in this Act and for the purposes of this Act "the Company" means the Company incorporated by this Act and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the enactments incorporated

herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Limits of Act.

**4.** The limits of this Act for the supply of water shall be the townships of Holywell Brynford Greenfield Whelston Penymaes Walwen Bagillt Bagillt Fawr and Bagillt Fechan all within the parish of Holywell in the county of Flint: Provided that if in any township within the limits the Company shall not have made adequate provision for the supply of water within five years from the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of any such township.

Company incorporated.

**5.** William Brown, John Fell, Edward Pritchard and George King Patten and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Holywell and District Water Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

**6.** The Company shall be established for the purpose of making and maintaining the waterworks by this Act authorised and for supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and generally for carrying the powers of this Act into execution.

Capital and number and amount of shares.

**7.** The capital of the Company shall be twenty thousand pounds in two thousand shares of ten pounds each.

Shares not to be issued until one fifth paid up.

**8.** The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

**9.** One fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

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Receipt in case of person not sui juris.

**10.** If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

**11.** The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole five thousand pounds and of that sum they may from time to time borrow any sum not exceeding in the whole two thousand five hundred pounds in respect of each ten thousand pounds of their capital but no part of any such sum of two thousand five hundred pounds shall be borrowed until shares for the whole of the ten thousand pounds of capital in respect of which it is to be borrowed are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

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

For appointment of a receiver.

**13.** 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 five hundred pounds in the whole.

Power to create debenture stock.

**14.** The Company may create and issue debenture stock subject to the provisions of Part III. 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 and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages.

Moneys borrowed on mortgage or debenture stock to have priority.

**15.** All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge 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 to be granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of money.

**16.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First meeting.

**17.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

**18.** The number of the directors shall be seven but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

**19.** The qualification of a director shall be the possession of not less than ten shares either alone or jointly with some other person or persons.

Quorum of directors.

**20.** The quorum of a meeting of directors shall be three.

First directors.

**21.** William Brown, John Fell, Edward Pritchard and George King Patten and three other duly qualified persons to be nominated by them or a majority of them and consenting to such

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Election of directors.

nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power herein-before contained for reducing the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Power to make waterworks.

**22.** Subject to the provisions of this Act the Company may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works described on the said plans and sections and which comprise the following (that is to say):—

(*a.*) A reservoir (in this Act called Work No. 1) to be formed by means of an embankment in the valley known as Wern Sirk across the stream in that valley.

(*b.*) An aqueduct conduit or line of pipes (in this Act called Work No. 2) commencing in the township of Brynford and terminating in the reservoir (Work No. 1) by this Act authorised.

(*c.*) An aqueduct conduit or line of pipes (in this Act called Work No. 3) commencing in the reservoir (Work No. 1) by this Act authorised and terminating in Whitford Street.

(*d.*) An aqueduct conduit or line of pipes (in this Act called Work No. 4) commencing from and out of the aqueduct (Work No. 3) by this Act authorised at or near the junction of Whitford Street with New Road and terminating in the road leading from Holywell to Greenfield opposite the Royal Oak Inn.

(*e.*) A reservoir (in this Act called Work No. 5) to be formed by means of an embankment in the valley known as Coed Llwybr-y-bi across the stream known as the Nant Brook.

(*f.*) An aqueduct conduit or line of pipes (in this Act called Work No. 6) commencing in the township of Brynford and

terminating in the reservoir (Work No. 5) by this Act authorised.

(*g.*) An aqueduct conduit or line of pipes (in this Act called Work No. 7) commencing in the reservoir (Work No. 5) by this Act authorised and terminating in the road leading from Holywell to Greenfield opposite or near to the Royal Oak Inn.

(*h.*) An aqueduct conduit or line of pipes (in this Act called Work No. 8) commencing in the township of Whelston by a junction with the aqueduct (Work No. 7) by this Act authorised and terminating in the Chester and Holyhead road opposite or near to the Blossoms Inn.

(*j.*) A small reservoir (in this Act called Work No. 9) to be formed by means of a dam or weir in the tail race or overflow from the River Bank Brewery on the north side of the high road leading from Bagillt to Greenfield.

(*k.*) An aqueduct conduit or line of pipes (in this Act called Work No. 10) commencing in the small reservoir (Work No. 9) by this Act authorised and terminating in the township of Greenfield.

Together with all necessary and proper embankments walls dams approaches roads ways mains pipes culverts cuts drains sluices engines buildings filter beds wells tanks valves weirs meters and all other works appliances and conveniences necessary in connexion with the before-mentioned works for collecting storing purifying and distributing the water by this Act authorised to be collected or distributed.

**For the protection of the London and North-western Railway Company.**

**23.** The following provisions for the protection of the London and North-western Railway Company (herein-after called the railway company) shall have full force and effect and be binding upon the Company and their assigns :—

1. The Company shall not without the previous consent in writing of the railway company under their common seal construct or lay down within their limits of supply any aqueduct or other pipe for the supply of water across the Chester and Holyhead Railway of the railway company other than the aqueduct conduit or line of pipes (Work No. 10) by this Act authorised and a pipe across the public road level crossings at Bagillt Station and Holywell Station on the said railway and a pipe under the bridge carrying the said railway over the road at or near Bettisfield Colliery Bagillt.
2. The aqueduct conduit or line of pipes (Work No. 10) shall be of an internal diameter of not exceeding one and a half inches and shall be laid and carried in the existing culvert

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under the Chester and Holyhead Railway at the proposed point of crossing. The said other three pipes shall be of an internal diameter of not exceeding one and a half inches and the pipes under the level crossings shall be laid and carried across the said Chester and Holyhead Railway at the existing public road level crossings at the Bagillt and Holywell Stations respectively by means of walled passages or culverts and at a level below the existing surface of the ground to be agreed upon between the Company and the railway company or in case of difference at a level to be fixed by an engineer to be appointed by the Board of Trade at the request of either party and all the works in connexion with the said aqueduct conduit or line of pipes (Work No. 10) and in connexion with the said other three pipes shall be done and executed in all respects to the reasonable satisfaction of the principal engineer of the railway company and such last-named pipes for their entire length across the said railway and the lands and works thereto belonging shall be of such material quality and thickness and fitted with such appliances as such engineer may in writing reasonably require and such aqueduct conduit or line of pipes (Work No. 10) and such other pipes and appliances and all the works so to be executed by the Company shall be maintained by and at the expense of the Company and such repairs effected to the satisfaction and under the superintendence of such engineer and if and whenever the Company fail so to do the railway company may make and do all such works and things as the railway company may reasonably think requisite in that behalf and the sum from time to time certified by such engineer to be the reasonable amount of the expenditure of the railway company in that behalf shall be repaid to the railway company by the Company and in case of non-payment may be recovered from the Company with full costs by all and the same means as any simple contract debt is recoverable and the Company shall not in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the said railway or the passage or conduct of any traffic thereon.

3. The Company shall in laying down constructing and maintaining their pipes and works so lay down construct and maintain the same as not to cause any injury to the railway or property of the railway company and so as not to cause any interruption to their traffic and if any such injury or interruption shall arise from or be in any way owing to the

acts or omissions of the Company or to the bursting leakage or failure of any main pipe or culvert in or under the railway or any level crossing the Company shall make compensation in respect thereof to the said railway company the amount of such compensation together with full costs to be recoverable from the Company by all and the same means as any simple contract debt is recoverable.

4. Notwithstanding anything in this Act contained the Company shall not execute do omit permit or suffer to be executed or done any work act matter or thing whereby or by means whereof the railway company's water supply at or near Holywell Station shall be taken away lessened or interfered with.

For the protection of Joseph Walker Parker and Company and the Bettisfield Colliery Company Limited.

**24.** The following provisions shall apply and have effect for the protection of Messrs. Joseph Walker Parker and Company and the Bettisfield Colliery Company Limited respectively their successors and assigns lessees and tenants who are together herein-after referred to as "the owners lessees and tenants":—

(*a.*) For the purpose of supplying the owners lessees and tenants with water the Company shall construct the reservoir in this Act and on the deposited plans described as Work No. 9 simultaneously with the other works by this Act authorised to be constructed and shall construct the said Work No. 9 in such a way as to intercept the whole of the water flowing from the tail race or overflow from the River Bank Brewery aforesaid except the flood water and the water to be abstracted by Work No. 10 and shall turn such water by means of the existing 7-inch pipe in the direction of Bagillt Fechan so that the flood water only from such tail race overflow shall flow in the direction of the marsh. The Work No. 9 and all works connected with it shall be maintained in good condition and repair at all times by the Company and in default of their doing so it shall be lawful for the owners lessees and tenants to maintain such works and recover the expenses of so doing from the Company.

(*b.*) The Company shall construct the aqueduct or line of pipes in this Act and on the deposited plans described as Work No. 8 along the Chester and Holyhead Turnpike Road for the purpose of such supply of water as aforesaid such aqueduct or line of pipes shall pass through the works of Messrs. Joseph Walker Parker and Company and near the colliery of the said Bettisfield Colliery Company Limited at Bagillt Fechan but all connexions beyond the meter required to be made with such conduit or line of pipes for the purpose of supplying water to the said works and collieries shall be made and maintained by and at

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the expense of the owners lessees and tenants. All connexions up to the meter shall be made and maintained by and at the expense of the Company.

(*c.*) In the event of the supply of water from the said Work No. 9 failing to suffice for the purposes of the owners lessees and tenants the Company shall supply the owners lessees and tenants with such quantity of water as they shall require at a price not exceeding the minimum price at which the Company shall supply water by measure for other than domestic purposes under the powers of this Act.

**Power to take lands and waters.**

**25.** Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may for the purpose of their waterworks take collect divert impound use get and appropriate such of the waters of the Nant Brook and its tributaries as can or may be intercepted and impounded by the reservoirs by this Act authorised and all springs and streams which arise or flow in or through the sites of the said reservoirs or any of them and all waters found in on or under any of the lands acquired by them under this Act.

**Restriction on taking houses of labouring class.**

**26.** Nothing in this Act shall authorise the Company to purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers and persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

**Lateral and vertical deviation.**

**27.** In making the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and where the line of any work is shown upon those plans as passing along any road and no limits of lateral deviation are marked on the deposited plans the Company may in making such work deviate laterally to any extent within the boundaries of such road and the Company may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any

extent not exceeding three feet upwards and ten feet downwards: Provided always that the Company shall not in the exercise of the powers of lateral deviation hereby conferred upon them construct any embankment by this Act authorised of a greater height above the general surface of the ground than the height thereof shown on the deposited sections.

Power to acquire additional lands by agreement.

**28.** In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act from time to time by agreement purchase any additional quantity of land not exceeding in the whole seven acres.

Power to hold lands for protection of works.

**29.** The Company may hold any lands to be vested in them which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Consolidation Act 1845 respectively: Provided always that the Company shall not erect or authorise or permit the erection on any such lands while so held by them of any buildings other than buildings necessary for or connected with their waterworks.

Period for compulsory purchase of lands.

**30.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years after the passing of this Act.

Period for completion of works.

**31.** If the works authorised by this Act and shown on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging altering or renewing any of their engines machinery mains or pipes from time to time as occasion requires for supplying water within the limits of this Act.

Power to take easements &c. by agreement.

**32.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Reservation of water rights on sale.

**33.** On the sale by the Company of any lands they may reserve to themselves all or any part of the water or water rights

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or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

**Power to purchase works but not water rights of limited company.**

**34.** The liquidator of the limited company may sell and the Company may purchase the small reservoir in Holywell constructed by the limited company and all or any of the lands and works belonging to the limited company or the liquidator of that company and after such purchase the same may be held and maintained by the Company as part of their undertaking but nothing in this Act contained shall authorise the Company to purchase or acquire any of the rights or powers of the limited company or of the liquidator to take appropriate or use any of the waters which under the recited Orders the limited company were empowered to take appropriate and use: Provided always that within three months from the date of any sale and purchase as aforesaid the Company shall produce to the Commissioners of Inland Revenue a deed of conveyance duly stamped and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of purchase to the date of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

**Constant supply and pressure.**

**35.** The water to be supplied by the Company shall be constantly laid on under pressure but the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is taken.

**Rate at which water is to be supplied for domestic purposes.**

**36.** The Company shall on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes at rates according to the rateable value of such dwelling-house or part of a dwelling-house not exceeding the following (that is to say):—

If the rateable value does not amount to five pounds the rate of eight shillings and eightpence per annum.

If the rateable value amounts to five pounds but does not amount to seven pounds the rate of thirteen shillings per annum.

If the rateable value amounts to seven pounds but does not amount to ten pounds the rate of sixteen shillings per annum.

If the rateable value amounts to ten pounds but does not amount to fifteen pounds the rate of twenty-five shillings per annum.

If the rateable value amounts to fifteen pounds but does not amount to twenty pounds the sum of thirty-five shillings per annum.

If the rateable value amounts to twenty pounds but does not amount to thirty pounds the rate of eight pounds per centum per annum upon such rateable value.

If the rateable value amounts to thirty pounds but does not amount to fifty pounds the rate of seven pounds per centum per annum upon such rateable value.

If the rateable value amounts to or exceeds fifty pounds the rate of six pounds per centum per annum upon such rateable value.

Rates for water-closets and private baths.

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond the first the sum of five shillings per annum and to every bath the sum of ten shillings and sixpence per annum:

Provided that the Company shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate rent or charge is paid for the whole of such dwelling-house.

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor.

Company not to be compelled to supply certain closets or baths.

**37.** The Company shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Power to Company to supply water for other than domestic purposes.

**38.** Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes: Provided that such supply for other than domestic purposes do not interfere with the supply for domestic purposes.

Notice to Company of connecting or disconnecting meters.

**39.** Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Register of meter to be primâ facie evidence.

**40.** Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

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Fraudulently injuring pipes meters or fittings.

**41.** If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or prevents any such meter or the index thereof from duly registering the quantity of water supplied or fraudulently abstracts or uses water of the Company he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damage is paid notwithstanding any contract then existing and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter: Provided always that the Company shall not discontinue the supply of water except in pursuance of an order of two justices who are hereby authorised to make the same.

Power to Company to supply materials.

**42.** The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soilpans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all works necessary or proper in that behalf and the cost of providing such materials and executing such work shall be paid by the person requiring the same.

Regulations for preventing waste &c. of water.

**43.** For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (namely):—

1. The Company may from time to time make regulations with respect to the construction maintenance and use of water fittings so as to prevent waste misuse undue consumption or contamination of the water of the Company to be observed by persons supplied with such water: Provided always that any such regulations shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared to afford a constant supply and shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board. The Company shall on payment of such sum not exceeding twopence as they may demand furnish a copy of the same to any consumer of water who may require the same;

2. The Company may by any such regulations as aforesaid direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connexion disconnexion alteration and repair of pipes valves cocks tanks cisterns baths soilpans waterclosets and other apparatus or receptacles for conveying delivering receiving and measuring water and may interdict any arrangement and use of any pipe valve cock tank cistern bath soilpan watercloset or other apparatus or receptacle in their judgment likely to occasion waste misuse undue consumption erroneous measurement or contamination of water;

3. In case of the failure of any person to observe any regulations for the time being in force the Company may if they think fit after twenty-four hours notice in writing enter and by or under the direction of their authorised officer repair replace or alter any pipe valve cock tank cistern bath soilpan watercloset or other apparatus or receptacle belonging to or used by any persons supplied by them and the power of entry given by section 15 of the Waterworks Clauses Act 1863 and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair replacement or alteration and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered from him as water rent is recoverable;

4. A printed copy of the regulations purporting to have been made as aforesaid by the Company and to be sealed with the seal of the Company shall be taken to be proof of the due making publication and existence of such regulations until the contrary be shown and any person who shall offend against any such regulations shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day or part of a day such offence shall occur after conviction therefor.

**Company may repair pipes of customers.**

**44.** Where any person supplied with water by the Company after twenty-four hours notice in writing under the hand of the secretary or other officer of the Company to alter or repair any pipe valve cock meter tank cistern bath soilpan watercloset or other apparatus in order that the water supplied to him by the Company shall not be wasted unduly consumed or contaminated fails to alter or repair the same so as to prevent such waste undue consumption or contamination the Company may alter or repair the same and their expenses in so doing shall be repaid to them by the person so

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failing as aforesaid and the Company may recover the same as damages and in addition to the penalty (if any) recovered for the offence.

Entry on premises to cut off supply.

**45.** In all cases in which the Company are authorised to cut off any pipe or stop or discontinue the supply of water to any premises or to alter or repair any pipe valve cock meter tank cistern bath soilpan watercloset or other apparatus the Company their agents and workmen may for that purpose and after giving notice as hereinafter provided enter into any premises through which any such pipe or supply passes or in which any such pipe valve cock meter tank cistern bath soilpan watercloset or other apparatus is placed between the hours of nine in the forenoon and four in the afternoon.

Notice before entry.

**46.** The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing and shall be given or served in manner following (that is to say):—

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry;

If such premises be unoccupied and the owner thereof and his usual place of abode be in England and be known to the Company then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in England or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry:

And for the purposes of this section any person receiving the rack-rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Incoming tenant not liable for arrears.

**47.** The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Recovery of sums due.

**48.** If any person fails to pay any water rent meter rent rate damages costs expenses or other sum due to or recoverable by the Company under this Act they may recover the same by proceedings in any court of competent jurisdiction.

Notice of discontinuance.

**49.** A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the office for the time being of the Company.

Contracts for supplying water for public purposes.

**50.** The Company may from time to time enter into and carry into effect agreements with any sanitary authority or water company for the supply by the Company to any such sanitary authority or water company either within or beyond the limits of supply of water in bulk and the agreements respectively may be for such times and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit: Provided that such supply of water shall not at any time interfere with the due supply of water within the limits of this Act.

Liability for water rent not to disqualify justices.

**51.** No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Contents of summons &c.

**52.** Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Authentication of notices, &c.

**53.** Any summons warrant demand or notice or other document to be issued or given for any of the purposes of this Act may be partly in writing and partly in print and if it require authentication by the Company the signature thereof by the secretary of the Company shall be sufficient.

Costs of dist ss.

**54.** Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Penalties not cumulative.

**55.** Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

Costs of Act.

**56.** All costs charges and expenses of and incident to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

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