CHAPTER xxxix.

An Act to confirm a Provisional Order of the Minister of Health relating to Sheppey Water. A.D. 1930.

[6th February 1930.]

WHEREAS under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 the Minister of Health has made an Order which as amended is set out in the schedule hereto: 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 89.

And whereas it is requisite that the said Order should be confirmed by 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. The Order as amended and set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Sheppey Water) Act 1930. Short title.

[*Price* 1*s. Net.*] A 1

SCHEDULE.

SHEPPEY WATER.

Sheppey Water Order.

Provisional Order under the Gas and Water Works Facilities Act 1870 *and the Gas and Water Works Facilities Act* 1870 *Amendment Act* 1873 *for empowering the Sheppey Water and Lighting Company Limited to construct and maintain waterworks and to supply water in parts of the Rural District of Sheppey in the County of Kent.*

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :

PART I.

PRELIMINARY.

Short title.

1. This Order may be cited as the Sheppey Water Order 1929.

Commencement of Order.

2. This Order shall come into operation upon the date of the Act of Parliament confirming it.

Undertakers and incorporation of Acts.

3.—(1) The Sheppey Water and Lighting Company Limited shall be the Undertakers for the purposes of this Order.

(2) So far as the same relate to the powers conferred by this Order the provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are except where the same are inconsistent with or expressly varied by this Order hereby incorporated with and form part of this Order :

Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words " with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner " were omitted therefrom.

A.D. 1930.

Sheppey Water Order.

4.—(1) In this Order the several words terms and expressions to which by the Acts in whole or in part incorporated with this Order or by the Gas and Waterworks Facilities Act 1870 meanings are assigned shall have the same respective meanings. Interpretation.

(2) In this Order unless the context otherwise requires—

"deposited plans" and "deposited sections" mean respectively the plans and sections deposited for the purposes of this Order;

"the commencement of this Order" means the date upon which this Order comes into operation;

"the directors" means the directors of the Undertakers;

"the limits of supply" means the limits within which the Undertakers are for the time being authorised to supply water;

"the Minister" means the Minister of Health;

"the Undertakers" means the Sheppey Water and Lighting Company Limited;

"the undertaking" means the water undertaking authorised by this Order.

PART II.

LIMITS OF SUPPLY.

Limits of supply.

5. The limits of supply shall be the parish of Eastchurch and the parish of Minster in Sheppey (exclusive of the detached portion of the latter parish) in the rural district of Sheppey in the county of Kent.

Power to district council &c. to supply water in case Undertakers fail to supply.

6.—(1) If after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order throughout the limits of supply the district council of any district in whole or in part within the limits of supply may provide a supply in accordance with the provisions of the Public Health Act 1875 or any such district council or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of the limits of supply not sufficiently supplied by the Undertakers and for the repeal of the powers of the Undertakers in that behalf.

(2) If any difference shall arise between the Undertakers and any such district council company body or person as to the sufficiency of the supply of water in any part of the limits of supply such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister.

A.D. 1930.

Sheppey Water Order.

Supply of water on Danley Building Estate.

7. The Undertakers shall not supply water on the Danley Building Estate situate in the parish of Minster in Sheppey without the consent of the owners of that estate so long as such owners shall provide a continuous supply of pure and wholesome water to the inhabitants of the said estate.

Supply of water on Warden and Eastchurch Estates.

8. The Undertakers shall not supply water within the following parts of the parish of Eastchurch without the consent of Warden and Eastchurch Estates Limited or their successors in title so long as the said Company or their said successors are possessed of the Warden Point Building Estate :—

(1) That part of the said parish which is bounded by an imaginary line commencing at a point on the north side of the road from Mud Row to Warden Point 150 yards or thereabouts north-east of Cartts Farm thence drawn in a north-westerly direction along the fence past the western side of Manor Cottage to Barrows Brook thence up the said brook to the north-east corner of the orchard situate on the east side of Sampsons Hall thence in a southerly direction along the fence to the fence in the rear of the Wheat Sheaf public-house thence along the eastern side of the cottage adjoining the said public-house on the east side thereof to Mud Row thence along the northern side of the said road from Mud Row to Warden Point skirting the northern side of the premises now occupied by Doctor Peake and terminating at the point of commencement of the said imaginary line; and

(2) That part of the said parish which is bounded by an imaginary line commencing at a point where the boundary of the said parish crosses the road from Mud Row to Warden Point thence drawn in a westerly direction along the said road to bench mark 163 thence in a southerly direction along the fence to the south-west corner of the enclosure numbered 310 on the $\frac{1}{2500}$ Ordnance Map (Kent Sheet XIV-14 Edition of 1907) thence along the south side of the said enclosure and along the northern and eastern sides of the enclosure numbered 315 on the said Ordnance Map and terminating at a point where the eastern boundary of the said enclosure joins the boundary of the said parish.

PART III.

FINANCIAL.

Capital.

9. The share capital of the Undertakers for the purposes of the undertaking shall not exceed twenty-four thousand three hundred and fifty-four pounds consisting of eight thousand three

hundred and fifty-four pounds of original capital (in this Part of this Order referred to as "the original capital") and of additional capital not exceeding sixteen thousand pounds including any premium which may be obtained on the sale of any shares under the provisions of this Order (in this Part of this Order referred to as "the additional capital") unless the Undertakers are after the commencement of this Order authorised to raise for the purposes of the undertaking additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limits of dividend on capital.

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

Dividend on different classes of shares to be paid proportionately.

11. In case in any year or half-year (if the Undertakers declare a dividend half-yearly) the funds of the Undertakers applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares in the capital of the Undertakers a proportionate reduction shall be made in the dividend of each class.

New capital to be sold by auction or tender.

12.—(1) All ordinary and preference shares issued after the commencement of this Order shall be issued in accordance with the provisions of this article.

(2) All shares 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 directors shall from time to time 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 in whole or in part within the limits of supply and to the secretary of the London Stock Exchange at least fourteen 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;

A.D. 1930.

Sheppey Water Order.

(*b*) A reserve price shall be fixed and notice thereof shall be sent by the directors 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 of greater nominal value than one hundred pounds;

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

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

(3) Any shares which have been so offered for sale and are not sold may be offered at the reserve price in manner prescribed by a resolution passed by the directors to the holders of shares of the Undertakers and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportion as the directors may think fit or to one or more of these classes of persons only:

Provided that in case of an offer to holders of shares if the aggregate amount of shares 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 which have been offered for sale in accordance with the provisions of paragraph (2) or of paragraphs (2) and (3) of this article and are not sold may be otherwise disposed of for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine.

(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 shares sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares.

Application of moneys.

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

Limit of borrowing powers.

14. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the paid-up capital of the Undertakers in respect of the undertaking at the time actually raised by the issue of shares including any premium that may be obtained on the sale of any such shares and no higher rate of interest than six pounds per centum per annum shall be paid by the Undertakers without the consent of the Minister in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

PART IV.

LANDS.

Protection of water supply.

15.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Undertakers are empowered to take the Undertakers may by agreement purchase take on lease or otherwise acquire any lands and may hold such lands and any other lands which the Undertakers may have acquired for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that—

(*a*) the total quantity of land acquired under this article by the Undertakers for the purpose of the protection of waters shall not exceed twenty-five acres; and

(*b*) the Undertakers shall not create or permit the creation or continuance of any nuisance on any lands acquired under this article nor without the approval of the Minister erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking but the restrictions of this article as to the erection of buildings shall not apply in respect of lands leased or sold by the Undertakers.

(2) The Undertakers may in and upon the lands referred to in paragraph (1) of this article construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Undertakers are empowered to take from being polluted and the Undertakers may for those purposes carry any such drain sewer or watercourse under across or along any street or road traversing the said lands or within the limits of supply subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

A.D. 1930.

Sheppey Water Order.

(3) The Undertakers may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Undertakers or by such owners lessees or occupiers of works for draining such lands or for more effectually collecting conveying and preserving the purity of the waters which the Undertakers are for the time being authorised to take.

Purchase of lands by agreement.

16.—(1) The Undertakers may subject to the limitation mentioned in paragraph (2) of this article from time to time purchase take on lease or otherwise acquire by agreement and use and hold for the purposes of the undertaking any lands and any easements rights or privileges (not being an easement right or privilege of water in which persons other than the parties to the agreement have an interest) in over or affecting any lands which they may from time to time require and the Undertakers may on any lands acquired by them under this article make maintain alter or discontinue such cisterns tanks aqueducts drains cuts sluices pipes culverts engines buildings offices and dwellings and other works (other than works for taking or intercepting water) as may be required for the purposes of or in connection with the undertaking :

Provided that the Undertakers shall not on any lands so acquired so long as the same are held by them create or permit a nuisance or erect or authorise the erection thereon of any houses or similar buildings except offices and dwellings for persons in their employ and such buildings as may be required for the purposes of or in connection with the undertaking.

(2) The total quantity of land held by the Undertakers at any one time under this article shall not exceed five acres in the whole.

Persons under disability may grant easements.

17. 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 Order grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands as are referred to in the preceding article of this Order 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 respectively.

Power to erect &c. dwellings for officers and servants.

18. The Undertakers may on any land for the time being belonging to or leased by them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of the undertaking.

PART V.

WORKS.

Power to construct and maintain waterworks.

19.—(1) Subject to the provisions of this Order the Undertakers may in upon or under the lands and in or under the streets roads or highways shown on the deposited plans construct and maintain in the lines and according to the levels shown on the deposited plans and sections the following works in the county of Kent :—

Work No. 1. A well and pumping station in upon or under a piece of land situate in the parish of Eastchurch in the rural district of Sheppey containing by admeasurement 3,330 square yards or thereabouts abutting on the road leading from Minster to Warden and forming part of the enclosure numbered in that parish 356 on the $\frac{1}{2500}$ Ordnance Map (Kent Sheet XIV-13 Edition 1908);

Work No. 2 A line or lines of pipes commencing in the said parish of Eastchurch at the well and pumping station (Work No. 1) passing along the road in the said parish and in the parish of Minster in Sheppey in the said rural district leading from Warden to Minster in a westerly direction to the Plough Inn thence in a southerly direction across the enclosure numbered in the said parish of Eastchurch 217 on the $\frac{1}{2500}$ Ordnance Map (Kent Sheet XIII-16 Edition 1908) and across Chequers Hill Road into the enclosure numbered in that parish 216B on the said Ordnance Map and terminating in that enclosure in the reservoir (Work No. 4) hereinafter described.

(2) The Undertakers may also in upon or under the lands where the same are situate maintain and continue the following existing waterworks in the county of Kent and may from time to time alter enlarge renew and improve the same together with all mains pipes machinery and other works as may be necessary or convenient in connection therewith or subsidiary thereto that is to say :—

Work No. 3 A well and pumping station with reservoir and water tower situate in the said parish of Minster in Sheppey in the enclosure numbered in that parish 340B on the $\frac{1}{2500}$ Ordnance Map (Kent Sheet XIII-11 Edition 1908);

Work No. 4 A reservoir situate in the said parish of Eastchurch in the enclosure numbered in that parish 216B on the $\frac{1}{2500}$ Ordnance Map (Kent Sheet XIII-16 Edition 1908);

A.D. 1930.

Sheppey Water Order.

and the Undertakers may maintain continue alter enlarge renew and improve any mains or pipes already laid down in connection with the before-mentioned works or either of them.

(3) The powers conferred by this article shall be exercised by the Undertakers only so long and so far as they are possessed of interests rights or easements in the lands (other than highways) in upon or under which the works mains pipes or machinery are or are to be placed entitling them so to do.

Power to take waters.

20. Subject to the provisions of this Order the Undertakers may pump collect impound take use divert and appropriate for the purposes of the undertaking all such springs streams or waters as may be intercepted by the works by this Order authorised to be constructed and maintained.

Limits of deviation.

21. In the construction of Work No. 1 or Work No. 2 authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation shown or stated on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards:

Provided 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 or are leased to or have been acquired by them under the provisions of this Order deviate beyond such limits laterally and vertically to such extent as they may think necessary.

Completion of works.

22. Work No. 1 and Work No. 2 authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870:

Provided that subject to the restrictions and provisions of this Order the Undertakers may alter enlarge renew deepen improve and extend their engines machinery tanks wells filters pipes mains connections and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Limiting powers of Undertakers to abstract water.

23. 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 an Act of Parliament.

Discharge of water into streams.

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

A.D. 1930.

Sheppey Water Order.

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter.

(2) In the exercise of the powers conferred by this article the Undertakers shall do as little damage as may be and shall make compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

(3) The powers of this article shall not be exercised so as to damage or affect the railways or works of the Southern Railway Company nor shall the Undertakers cause water to be discharged into any watercourse constructed for the purpose of draining such railways and works.

Exercise of powers of section 12 of Waterworks Clauses Act 1847.

25. The Undertakers may on all or any of the lands for the time being held by them in connection with the undertaking execute for the purposes thereof or in connection therewith any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 :

Provided that the Undertakers shall not under the powers of this article create or permit the creation or continuance of any nuisance on any such lands.

Telephonic wires and apparatus in streets.

26. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes (which with all necessary modification shall apply to the exercise of the powers conferred by this article) the Undertakers may for the purpose of effecting telegraphic or telephonic communication between to or from the Undertakers' works or offices lay down maintain alter repair and renew mains tubes electric and other wires and apparatus in the soil of any street road highway or footpath within the limits of supply :

Provided that any mains tubes electric or other wires or apparatus laid down or maintained under the provisions of this article shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be constructed in such a manner as to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Detection of waste.

27. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of preventing

A.D. 1930.

Sheppey Water Order.

and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric and other lines wires and apparatus:

Provided that—

(i) The Undertakers shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878;

(ii) The powers of this article shall not be exercised in regard to any street or road belonging to the Southern Railway Company except with the consent of that Company but such consent shall not be unreasonably withheld nor shall the Undertakers in carrying out any works authorised by this article unreasonably obstruct or interfere with the access to any such street or road.

Power to lay pipes in private streets.

28. 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:

Provided that the powers of this article shall not be exercised in regard to any street or road belonging to the Southern Railway Company except with the consent of that Company but such consent shall not be unreasonably withheld nor shall the Undertakers in carrying out any works authorised by this article unreasonably obstruct or interfere with the access to any such street or road.

Differences with road authority or railway or other company.

29. If any difference shall arise between the Undertakers and any road authority railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or as to the facilities to be afforded for the same or as to any other matter referred to in this Order the difference

shall unless otherwise provided by this Order be settled by an engineer to be appointed by the Minister 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.

A.D. 1930.
Sheppey Water Order.

PART VI.

WATER SUPPLY.

Limits of pressure.

30. The water supplied by the Undertakers shall be laid on constantly under pressure but need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or tank from which the supply is taken and it shall be in the discretion of the Undertakers in every case to determine the particular service reservoir or tank from which the supply is to be taken.

Rates for domestic supply.

31.—(1) As from the first quarter day after the commencement of this Order the Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates for each quarter of the year specified in the Schedule to this Order.

(2) The net annual value of any such premises shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues :

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

(3) In addition to the foregoing charges the Undertakers may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding ten shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Supply by meter.

32.—(1) The Undertakers may supply water for other than domestic purposes on such terms and conditions as the Undertakers think fit and may supply water by meter either for

A.D. 1930.

Sheppey Water Order.

domestic or other purposes and the moneys payable for the supply of water under this article shall be recoverable in the same manner as water rates:

Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

(2) The price to be charged for a supply of water by meter shall not exceed four shillings a thousand gallons.

Supply to certain premises.

33.—(1) The Undertakers shall not be bound to supply with water otherwise than by meter—

(*a*) 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; or

(*b*) any workhouse hospital asylum (whether public or private) sanatorium school club hotel public-house or inn; or

(*c*) any boarding-house capable of accommodating at least twelve persons; or

(*d*) any other institution which is habitually occupied by at least twenty persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter but nothing in this article shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the net annual value thereof.

(3) The minimum quarterly charge for a supply of water by meter to any of the premises in this article mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

Charges for supply by hose-pipe.

34. Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept the Undertakers may if a hose-pipe or other similar apparatus is used charge any additional sum not exceeding twenty shillings per annum and (where more motor cars than one are ordinarily kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum chargeable under the provisions of this article shall be recoverable with and as the water rate.

Revision of rates and charges.

35.—(1) On the application of the Undertakers or of the district council of any district in whole or in part within the limits of supply made at any time after the expiration of three years from the commencement of this Order the Minister if satisfied that circumstances affecting the undertaking have materially changed may by order vary either by way of increase or decrease the rates and charges for the supply of water by this Order authorised :

Provided that the rates and charges prescribed in any such order shall be such as to provide (after paying all proper expenses of and in connection with the working management and maintenance of the undertaking and making good depreciation and paying all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the share capital of the Undertakers :

Provided also that in the absence of exceptional reasons the Minister shall not alter the rates and charges more often than once in any period of five years.

(2) The making of any new valuation list under Part II of the Rating and Valuation Act 1925 shall be deemed to be a circumstance affecting the undertaking within the meaning and for the purposes of this article.

Rates payable by owners of small houses.

36. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply of water but notwithstanding any such determination the rate may be recovered by the Undertakers from the occupier and may if so recovered and if the occupier be not himself liable for the water rate as between himself and the owner be deducted by the occupier from the rent from time to time due from him to the owner :

Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Contracts for supplying water in bulk.

37.—(1) The Undertakers may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the limits of supply to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and

A.D. 1930.

Sheppey Water Order.

of the district council of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic or other purposes within the limits of supply.

(2) Nothing in this article shall authorise the Undertakers to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

Supply of water to Naval Military or Air Force establishments.

38.—(1) The Undertakers may from time to time and if required by the Admiralty the Army Council or the Air Council (each of which is referred to in this article as a "Department") shall enter into and carry into effect agreements with the Department by which an agreement is desired for the supply of water by meter for use in any of His Majesty's Naval Military or Air Force establishments which may at any time be situate within the limits of supply:

Provided that the Undertakers shall not be under any obligation to supply a Department with water for other than domestic purposes if and whenever such a supply would interfere with the sufficiency of the supply of water for domestic purposes to a Department or other consumers within the limits of supply.

(2) The price to be paid for water supplied to a Department shall not exceed—

(*a*) the maximum price from time to time chargeable by the Undertakers for a supply of water by meter reduced by an abatement of fifteen per cent. as respects any quarter in which the total quantity of water supplied by the Undertakers to the three Departments shall exceed twenty thousand gallons; or

(*b*) the lowest price charged by the Undertakers for a supply of water by meter to any other large consumers under similar circumstances and conditions;

whichever may be the less.

(3) If the Undertakers and a Department desiring a supply of water under this article are unable to agree upon the price to be paid for water or upon the other terms and conditions on which a supply is to be afforded by the Undertakers or if a party to an agreement under this article considers at any time that it is desirable or equitable that the agreement should be altered and the parties to the original agreement cannot agree on the alteration then the price to be paid for water or the other terms and conditions or the alteration to be made in the original agreement as the case may be shall be settled by an arbitrator to be appointed on the application of the Department or the Undertakers by the President of the Institution of Civil Engineers.

(4) Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the arbitration and the arbitrator may by his award direct the persons by whom any mains necessary for the supply of water shall be provided and laid and may apportion the cost of the provision and laying of the mains between the Undertakers and a Department:

Provided that the Undertakers shall not be required by the arbitrator to bear in respect of the cost of the provision and laying of any main any sum in excess of eight times the estimated amount of the yearly sum payable to the Undertakers for the water to be supplied by means of that main.

Purchase of water in bulk.

39. The Undertakers may enter into and carry into effect agreements made with any local authority company body or person supplying water under parliamentary authority or subject to the consent of the Minister with any other company body or person for the purchase of water in bulk by the Undertakers for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Undertakers for the purpose of the undertaking.

Application of section 35 of Waterworks Clauses Act 1847.

40. Section 35 of the Waterworks Clauses Act 1847 in its application to the Undertakers shall be read and construed as if the words "one eighth part" were substituted therein for the words "one tenth part."

Guarantees &c. by district councils.

41.—(1) Any district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Undertakers of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between that council and the Undertakers for the purpose of or with respect to the providing or laying down by the Undertakers of any main pipe or works for the supply of water within any part of such district.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Undertakers under this article.

(3) Subject to the provisions of the Local Government Act 1929 any expenses incurred by a rural district council in pursuance of this article shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

A.D. 1930.

Sheppey Water Order.

(4) Nothing in this article shall be deemed to authorise any such district council to use any water supplied by the Undertakers under any such guarantee or contract as aforesaid in any part of their district which is beyond the limits of supply and within the limits for the supply of water of any other company or person supplying water under parliamentary authority without the consent of such other company or person.

Byelaws for preventing waste of water.

42.—(1) The Undertakers may make byelaws for the purpose of preventing waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this article referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination of water.

(2) Such byelaws shall apply only in the case of premises to which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 184 and section 186 of the Public Health Act 1875 shall apply to all byelaws so made subject to such modifications as may be necessary.

(3) A printed copy of all such byelaws in force for the time being shall be kept at an office or offices of the Undertakers situate within the limits of supply All persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(4) In case of the failure of any person to observe such byelaws as are for the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Undertakers from the person in default as the water rates in respect of the premises are recoverable.

Power to sell meters.

43. The Undertakers may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to supply fittings.

44.—(1) The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets and other fittings as are required or permitted by their byelaws or regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this article shall bear either a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof and when so distinguished shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be.

Undertakers not bound to supply several houses by one pipe.

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

Notice of discontinuance.

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

Notice to Undertakers of connecting or disconnecting meters.

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

Register of meter to be primâ facie evidence.

48. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect

A.D. 1930.

Sheppey Water Order.

of which any water rate or rent is charged and sought to be recovered by the Undertakers:

Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

As to communication pipes.

49.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 or under any other Act relating to the Undertakers to maintain any pipe or apparatus used for the supply of water from the works of the Undertakers the person liable to maintain the same shall have the like powers of opening the ground as are conferred upon persons by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes subject nevertheless to the conditions imposed by those sections.

(2) The Undertakers by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the limits of supply may subject to the like conditions execute such works on behalf of such owner or occupier and subject to the terms of the agreement any expenses incurred by the Undertakers shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Undertakers to connect communication pipes with mains.

50. Notwithstanding anything contained in any Act relating to the Undertakers the Undertakers shall have the exclusive right of executing any works on any of their water mains for connecting any communication pipe therewith and the Undertakers shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Undertakers execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Undertakers in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Maintenance of common pipe.

51. When several houses or parts of houses in the occupation of several persons are supplied with water 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. A.D. 1930.

Sheppey Water Order.

Power to Undertakers to repair communication pipes.

52. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under any obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers in executing such repairs shall be recoverable by the Undertakers from the owner of the premises supplied or in any case where the communication pipe is repairable by the occupier of such premises from the occupier :

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

Injuring meters &c.

53.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers) be liable to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover from the person so offending the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such

A.D. 1930.

Sheppey Water Order.

works matters and things shall be repaid to the Undertakers by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Penalty for closing valves and apparatus.

54. Every person who—

(*a*) without the consent of the Undertakers shall wilfully; or

(*b*) shall negligently

close or shut off or interfere with any valve cock or other work or apparatus belonging to the Undertakers whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Undertakers) be liable on conviction to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover from that person the amount of any damage by them sustained:

Provided that this article shall not apply to a consumer closing a valve fixed on his communication pipe.

PART VII.

SAVINGS AND PROTECTIVE CLAUSES.

Crown rights.

55. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of any description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

For protection of War Office Admiralty and Air Council.

56.—(1) Nothing in this Order contained authorises the Undertakers—

(*a*) to take enter upon use or interfere with any land soil or water or any right in respect thereof for the time being vested in or in the occupation of or exercised or

exerciseable by His Majesty's Principal Secretary of State for the War Department (in this article called "the Secretary of State") or in of or by any other person body or corporation acting for or on behalf of the Secretary of State without the consent of the Secretary of State signified in writing (which consent the Secretary of State is authorised to give subject to such special or other conditions as he shall see fit to impose on the Undertakers); or

(*b*) to take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State (including any rights privileges or powers for the Defence of the Realm) whether under any statute or regulation or otherwise without such consent as aforesaid.

(2) This article shall take effect notwithstanding that any such land as in this article mentioned may be delineated in the deposited plans or mentioned in article 19 of this Order.

(3) The provisions of this article shall extend to the Admiralty subject to this modification that references to the Secretary of State shall be read as references to the Admiralty.

(4) The provisions of this article shall extend to the President of the Air Council subject to this modification that references to the Secretary of State shall be read as references to the President of the Air Council.

Works below high-water mark to be subject to approval of Board of Trade.

57.—(1) Subject to the provisions of this Order any work authorised by this Order shall be constructed only so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as that Board may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this article the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Undertakers and the amount of such cost shall be a debt due from the Undertakers to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

For protection of Kent County Council.

58. The following provisions for the protection of the County Council of the administrative county of Kent (in this article called "the County Council") shall unless otherwise

A.D. 1930.

Sheppey Water Order.

agreed in writing apply to the execution of the works and the exercise of the powers authorised by this Order so far as they affect any road which the County Council are now or may hereafter become liable to repair (in this article called a "main road") or any county or main road bridge (which expression shall in this article include the road over such bridge and the approaches thereto and any culvert) in the county of Kent:—

(1) The provisions of this article shall be in addition to and not in substitution for the provisions of the Waterworks Clauses Act 1847 (in this article called "the Act of 1847") with respect to the breaking up of streets for the purpose of laying pipes except so far as such last-mentioned provisions are expressly varied by the provisions of this article:

(2) All mains pipes and works of the Undertakers to be laid in or along any main road or in or upon or across any county or main road bridge shall be laid in such position in or at the side thereof and at such depth as the County Council in writing under the hand of their surveyor (in this article called "the County Surveyor") may reasonably direct:

(3) The notice required by section 30 of the Act of 1847 to be given to the County Council shall (except for laying connecting or repairing communication pipes as to which three days' notice shall be given and except in cases of leakage bursting or other emergency) be not less than seven clear days instead of three clear days:

(4) Except in cases of laying down connecting or repairing consumers' service pipes and except in cases of leakage bursting or other emergency the plan required by section 31 of the Act of 1847 shall be accompanied by a section and description of the proposed works and shall (except as aforesaid) be delivered to the County Surveyor by the Undertakers not less than seven days before the Undertakers commence to interfere with any county or main road bridge or open or break up any main road for the purpose of executing the works and any difference as to any such plan description or section or as to the temporary or other works referred to in the said section 31 shall be determined by arbitration under this article instead of in the manner prescribed by the said section 31 If the County Surveyor shall not within seven days after the plan section and description shall have been delivered to him express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:

(5) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes and works of the Undertakers shall not (so far as may be reasonably practicable) be placed on the metalled portion of any main road or in or upon any county or main road bridge without the written consent of the County Surveyor and subject to such conditions (other than a payment of money) and directions as he may reasonably require or give:

(6) Subject to the rights of all parties claiming to be entitled thereto all surplus paving metalling or materials removed during the laying of the mains pipes or works on any main road or in upon or across any county or main road bridge and not required by the Undertakers for the purpose of reinstating and making good the said road or bridge may be used by the County Council for the maintenance and repair of any main or other road and may be removed by the County Council for that purpose:

(7) Except so far as is provided by paragraph (2) of this article nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the County Surveyor Such consent shall not be unreasonably withheld and may be given upon such conditions as the County Surveyor may reasonably determine:

(8) Nothing in this Order shall in any way limit or affect the right of the County Council at any time or times to remove alter rebuild widen or repair any county or main road bridge in over or attached to which any mains pipes or works of the Undertakers are carried in the same manner as the County Council might have removed altered rebuilt widened or repaired any such bridge if this Order had not been made and such mains pipes and works had not been constructed or laid in over or attached to such bridge and the County Council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation In the event of any such bridge in over or attached to which any such mains pipes or other works are laid being removed altered rebuilt widened or repaired as aforesaid in such manner as to require the removal or alteration of any such mains pipes or works the Undertakers shall at their own cost as and when requested by the

A.D. 1930.

Sheppey Water Order.

County Surveyor by not less than fourteen days' notice in writing remove or alter the position of the said mains pipes and works and the works by which the same are carried in over or attached to any such bridge as aforesaid and replace the same to the reasonable satisfaction of the County Surveyor:

Provided that during any such removal alteration rebuilding widening or reparation of such bridge as aforesaid the County Council shall afford to the Undertakers all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes and the Undertakers may carry such mains and pipes accordingly and when the altering rebuilding widening or reparation of such bridge shall have been completed the Undertakers shall have the same rights and powers with respect to such bridge as they had before the works were carried out:

(9) Nothing in this Order shall in any way limit or affect the right of the County Council at any time or times to divert widen alter the levels of or otherwise alter or improve any main road in under or along which any mains pipes or works of the Undertakers shall have been laid and the Undertakers shall as and when requested by the County Surveyor by not less than fourteen days' notice in writing alter the position of the said mains pipes and works at the cost of the County Council in all things in such manner and to such extent as may be agreed upon between the County Council and the Undertakers or in case of difference as shall be determined by arbitration in manner provided in this article:

(10) All works shall be so executed by the Undertakers as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road bridge and the Undertakers shall not open or break up at any one time a greater continuous length than one hundred and fifty yards of any main road at any place where not more than two carts can pass at the same time or than seventy-five yards where only one cart can pass and shall leave an interval of at least one hundred yards between any two places at which they may open or break up such road at the same time:

(11) All costs charges amounts and expenses payable by the Undertakers to the County Council under the provisions of this article shall be recoverable as a debt due from the Undertakers to the County Council:

(12) The County Council shall not except in the case of their negligence be liable for or in respect of any damage or injury done to any mains pipes or other works of the Undertakers laid fixed and executed after the commencement of this Order in under or along the metalled portion of any main road or of the roadway over a county or main road bridge or the approaches thereto arising from the use by the County Council of any steam or other roller for the repair of any such road or of any traction engine not exceeding fifteen tons in weight:

(13) If any difference at any time arises between the County Council and the Undertakers touching this article or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration.

For protection of Sheerness and District Electric Supply Company Limited.

59.—(1) Notwithstanding anything in this Order contained the Sheerness and District Electric Supply Company Limited (in this article called "the Company") shall be entitled to continue to take a supply of water from the Sheppey rural district council under the provisions and during the subsistence of any agreement or arrangement in force between the Sheppey rural district council and the Company at the date of this Order.

(2) On such date as the Company shall cease to take a supply of water from the Sheppey rural district council under any existing agreement or at an earlier date if so desired by the Company the Undertakers shall supply and the Company shall take for the purposes of their undertaking for such period as may be agreed or in case of difference may be settled by arbitration a supply of water on terms not less favourable to the Company than the said terms upon which the Company are at present taking a supply of water from the Sheppey rural district council and notwithstanding that such supply of water may be required by the Company for purposes other than domestic purposes.

For protection of Southern Railway Company.

60. For the protection of the Southern Railway Company (in this article referred to as "the railway company") the following provisions shall unless otherwise agreed between the railway company and the Undertakers apply and have effect:—

(1) In laying down repairing or removing any mains pipes or culverts under the powers of this Order upon across

A.D. 1930

Sheppey Water Order.

over under or in any way affecting the railway of the railway company or any bridge maintained by the railway company or any approaches to any such bridge or within the railway company's boundaries (in this article called "the railway works") the same shall (except in cases of emergency) be done under the superintendence (if the same be given) and to the reasonable satisfaction of the chief engineer of the railway company and according to such plans as shall be previously reasonably approved in writing by him or in the event of disapproval then in such manner as shall be determined by arbitration in manner in this article provided :

Provided that if the said engineer does not express his approval or disapproval of the said plans within twenty-one days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operations the Undertakers may execute the work without his superintendence :

(2) All such works as are mentioned in paragraph (1) of this article shall be executed by and at the expense in all things of the Undertakers and so as to cause as little injury as may be to the railway works and the Undertakers shall within the railway company's boundaries so execute any such works as aforesaid as to interfere with or impede as little as possible any improvement or widening of the railway which may be carried out by the railway company under any powers vested in them at the commencement of this Order :

(3) The Undertakers shall if required so to do by the said engineer provide and maintain such stopcocks as may be reasonably necessary on any mains or pipes to be laid by the Undertakers on over or under or in any way affecting the railway company's property :

(4) If any injury or damage to the railway works or property of the railway company or any interruption to the traffic of the railway company shall be in any way occasioned by the Undertakers or by their contractors agents or workmen in executing any such works as aforesaid the Undertakers shall make compensation to the railway company in respect thereof and the amount of such compensation shall if not agreed be determined by arbitration as provided in this article :

(5) All such mains pipes and culverts of the Undertakers as aforesaid laid or placed upon across over or under the

railway works shall be at all times maintained in good repair by the Undertakers and if not so maintained the railway company from time to time by notice in writing signed by the said engineer and delivered at the principal office for the time being of the Undertakers may require the Undertakers forthwith to put into good repair any such main pipe or culvert as aforesaid which may be in want of repair If the Undertakers for fourteen days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the railway company without any further notice to the Undertakers may repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers :

Provided that—

(*a*) in case of accidents happening or immediate danger being apprehended to the railway works by reason of any such main pipe or culvert as aforesaid being in want of repair the railway company may without giving such notice as aforesaid make such repairs as may be immediately necessary and the reasonable expenses of the same shall be repaid as hereinbefore provided ;

(*b*) the railway company shall as soon as possible give notice to the Undertakers of their intention to execute the same and any reasonable costs and expenses to which the railway company may be put by reason of any such repairs shall be repaid to them by the Undertakers :

(6) All additional expense which the railway company may reasonably and properly incur in widening altering reconstructing or maintaining the railways or the works connected therewith under any powers vested in them at the commencement of this Order by reason of the existence of any such mains pipes or culverts of the Undertakers as aforesaid shall be paid by the Undertakers :

(7) The Undertakers shall bear and on demand pay to the railway company all reasonable costs of watching lighting and protection of the railway works with reference to and during the laying down repairing or removing by the Undertakers of any such main pipe or culvert as aforesaid so far as such costs may be agreed or determined by the arbitrator to have been necessary :

(8) Any difference which may arise between the railway company and the Undertakers touching any of the

A.D. 1930.

Sheppey Water Order.

matters referred to in this article shall be decided by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and decision.

PART VIII.

SUPPLEMENTAL.

Copy of Confirmation Act to be registered.

61.—(1) Within three months after the passing of the Act for the confirmation of this Order the Undertakers shall deliver a printed copy of that Act to the Registrar of Companies and shall pay the Registrar the sum of five shillings as the fee for the registration of that copy of the Act.

(2) The copy of the Act so delivered by the Undertakers shall be registered by the Registrar of Companies.

(3) If the Undertakers shall fail to comply with paragraph (1) of this article they shall be liable to a penalty not exceeding two pounds for every day during which the default continues.

Authentication and service of notices by Undertakers.

62. Any notice to be served by the Undertakers on a person supplied with water 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 of the Undertakers being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of such other officer as aforesaid being affixed thereto as aforesaid 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 penalties.

63. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking or any incorporated enactment all offences against and all penalties forfeitures costs and expenses imposed or recoverable under any

such Act or order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner :

A.D. 1930.

Sheppey Water Order.

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

64. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the undertaking 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.

Penalties not cumulative.

65. Penalties imposed under this Order and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Several sums in one summons &c.

66. When the payment of more than one sum by any person is due under this Order or any Act or Order relating to the Undertakers any summons or warrant issued for the purposes of such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Judges not disqualified.

67. A judge of any court or a justice shall not be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any rate.

Costs of Order.

68. 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 and may be paid wholly or partly out of revenue.

A.D. 1930.

Sheppey Water Order.

SCHEDULE.

Net Annual Value.	Rates per Quarter. £ s. d.
Does not amount to £6 - - - - - - -	0 7 6
Amounts to £6 but does not amount to £8 - - -	0 9 0
„ £8 „ „ £10 - - -	0 10 6
„ £10 „ „ £12 - - -	0 12 0
„ £12 „ „ £14 - - -	0 13 6
„ £14 „ „ £16 - - -	0 15 0
„ £16 „ „ £18 - - -	0 16 6
„ £18 „ „ £20 - - -	0 18 0
„ £20 „ „ £22 - - -	0 19 6
„ £22 „ „ £24 - - -	1 1 0
„ £24 „ „ £26 - - -	1 2 6
„ £26 „ „ £28 - - -	1 3 3
„ £28 „ „ £30 - - -	1 4 0
„ £30 „ „ £32 - - -	1 4 9
„ £32 „ „ £34 - - -	1 5 6
„ £34 „ „ £36 - - -	1 5 10½
„ £36 „ „ £38 - - -	1 6 3
„ £38 „ „ £40 - - -	1 6 7½
„ £40 „ „ £42 - - -	1 7 0
„ £42 „ „ £44 - - -	1 7 4½
„ £44 „ „ £46 - - -	1 7 9
„ £46 „ „ £48 - - -	1 8 1½
„ £48 „ „ £50 - - -	1 8 6
Exceeds £50 - - - - - - - -	3½ per cent. of net annual value.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.