CHAPTER cvii.

An Act for incorporating the Newquay and District Water Company and for conferring powers on that Company and for other purposes. [12th July 1882.] A.D. 1882.

WHEREAS the district of the local board of Newquay in the county of Cornwall and adjoining parishes are imperfectly supplied with water:

And whereas the persons herein-after in that behalf named with others are willing to provide a better supply of water to those places if 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 and maintain the works herein-after described:

And whereas plans and sections of the works by this Act authorised showing the situation and levels thereof with a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands through and upon which such works are intended to be made have been deposited at the office of the clerk of the peace for the county of Cornwall and are in this Act referred to as the deposited plans sections and book of reference:

And whereas the objects of this Act cannot be attained 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 (that is to say):

1. This Act may be cited as Newquay and District Water Act 1882. Short title.

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Provisions of certain general Acts incorporated.

8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.
8 & 9 Vict. c. 20.

2. The Companies Clauses Consolidation Act 1845 Parts I. (relating to cancellation and surrender of shares) and 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 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 the provisions of this Act) incorporated with and form part of this Act and the said provisions of the Railways Clauses Consolidation Act 1845 shall be read so as to apply only to the construction of the reservoirs by this Act authorised and the works immediately connected therewith and as if such reservoirs and works were therein referred to instead of the railway and the boundaries of the said reservoirs and works were therein mentioned instead of the centre of the railway and the prescribed limits shall be 200 yards from the margin of the intended reservoirs and works.

Interpretation.

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 the expression "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Limits of Act.

4. The limits of this Act for the supply of water shall be and include the parishes of Saint Columb Major Colan and Saint Columb Minor all in the county of Cornwall.

Company incorporated.

5. Duncan Macgregor Henry Nanson and Francis Retallack 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 Newquay 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 reservoirs and aqueducts conduits or lines of pipes by this Act authorised and for supplying water by meter or otherwise to and within the limits of this Act and for selling or letting on hire meters and other materials necessary or desirable for such supply and for other the purposes of this Act.

Capital.

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 three months at 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.

Receipt in case of persons 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 on mortgage.

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 borrow from time to time not exceeding two thousand five hundred pounds in respect of every ten thousand pounds of their capital but no part of any such sum of two thousand five hundred pounds shall be borrowed until the whole of the respective ten thousand pounds of capital in respect of which it is to be borrowed is 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 the whole of the respective ten thousand pounds of capital has been issued and accepted, and that not less than one-fifth part of the amount of each separate share in such ten thousand pounds of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective ten thousand pounds of capital was issued bonâ fide and is held by the persons or corporations to whom the same was 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

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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 certificate 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 are limited to a rate not exceeding five pounds per centum per annum.

Arrears may be enforced by appointment of a receiver.

13. The mortgagees of the Company 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 two hundred and fifty pounds in the whole.

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 the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts &c.

15. All moneys raised on mortgage by the Company under this Act, and the interest due thereon and the interest due on debenture stock created and issued under 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 the Company after the passing of this Act but 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 Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on the mortgages and debenture stock nor shall anything herein-before

contained affect any claim for land taken used or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

16. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary 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 directors shall be five but the Company may from time to time reduce the number provided that the number be never less than three.

Qualification of directors.

19. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum

20. The quorum of a meeting of directors so long as the number of directors be four or more shall be three but if the number of directors be reduced to three the quorum shall be two.

First directors.

21. Duncan Macgregor Henry Nanson and Francis Retallack and two other duly qualified persons to be nominated by them or by the majority of them and consenting to such 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 subject to the power of reducing the number of directors herein contained 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 fill up the number of directors or to supply the place 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 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.

Election of directors.

Contracts not to disqualify for

22. Any contract to be made under this Act with any local board corporation or public body shall not disqualify any of the members of such local board corporation or public body for the office

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Office of director.

of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such local board corporation or public body shall vote upon any question with reference to any contract with such local board corporation or public body.

Power to make waterworks.

23. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the reservoirs and aqueducts conduits or lines of pipes shown on the deposited plans and sections with all proper filtering beds approaches embankments roads ways wells tanks tunnels dams sluices outfalls channels drains mains pipes and works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes and may collect take and divert into the said waterworks and therein impound and thence distribute the waters of any springs and streams on the site of the proposed reservoirs and aqueducts conduits or lines of pipes or on any lands for the time being belonging to the Company.

Description of works.

24. The works herein-before referred to and authorised by this Act will be wholly situate in the county of Cornwall and are:

A reservoir (No. 1) wholly in the parish of Saint Columb Major commencing at or near the source of a stream called or known by the name of the "Adit Stream" and bounded on the westward by the fence at the bottom of the lane between the fields or closes of land numbered 38 and 39 on the tithe apportionment map of the said parish.

A storage reservoir (No. 2) wholly in the parish of Colan on a portion of certain waste land the property or reputed property of the Rev. Sir Vyell Francis Vyvyan Baronet and on lease to and occupied by Richard Rundle immediately to the southward of the main line of the Cornwall Minerals Railway.

An aqueduct conduit or line of pipes (No. 1) commencing in the parish of Saint Columb Major in the north-western corner of the reservoir (No. 1) by this Act authorised and terminating in the parish of Colan in the south-eastern corner of the said reservoir (No. 2) by this Act authorised:

A reservoir (No. 3) wholly in the parish of Saint Columb Minor situate in the south-east corner of a field belonging or reputed

to belong to Thomas Pearse and in the occupation of James Pearse and numbered 85 on the tithe apportionment map of the said parish:

An aqueduct conduit or line of pipes (No. 2) commencing in the parish of Colan at the north-western corner of the reservoir (No. 2) by this Act authorised and terminating in the parish of Saint Columb Minor at the north-eastern corner of the reservoir (No. 3) by this Act authorised:

An aqueduct conduit or line of pipes (No. 3) wholly in the parish of Saint Columb Minor commencing in the north-west corner of the reservoir (No. 3) by this Act authorised and terminating in a road known as L'Henver Lane at a point 1 chain or thereabouts from and to the eastward of the southern termination of the footpath leading from the said L'Henver Lane to the district church of Newquay and the main street of Newquay:

For the protection of the Cornwall Minerals and Great Western Railway Companies.

25. For the protection of the Cornwall Minerals Railway Company and the Great Western Railway Company (herein-after called the Great Western Company) the several provisions following shall have full effect:

(A.) The aqueducts conduits or lines of pipes Nos. 1 and 2 described in the last foregoing section of this Act and shown on the deposited plans shall be made and maintained where the same are situate on the lands or property of the Cornwall Minerals Railway Company or of the Great Western Company in the manner and according to the lines and levels shown on the deposited plans and sections and in such manner as to cause no interference with or obstruction to the maintenance or working of the Cornwall Minerals Railway and in carrying the said aqueducts conduits or lines of pipes along the said railway the same shall be carried in such a manner as shall be approved of by the principal engineer of the Great Western Company and so as to cause no interference with or obstruction to the maintenance or working of the said railway.

(B.) The storage reservoir (No. 2) described in the last foregoing section of this Act and shown on the deposited plans shall be constructed at the point shown thereon and no deviation in the site position or levels thereof so as to injuriously affect the Cornwall Minerals Railway or any right property or interest of the Cornwall Minerals Railway Company or of the

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Great Western Company shall be made without the consent in writing of the principal engineer for the time being of the Great Western Company.

(c.) The foregoing works respectively shall be made and maintained of such dimensions and character in such lines on such levels and in such manner as not in any degree to obstruct or prejudice any part of the Cornwall Minerals Railway or any of the works or conveniences thereof or the carrying on of the traffic of such railway.

(d.) In order thereto the Company from time to time shall submit to the Great Western Company's principal engineer proper and sufficient descriptions plans sections and specifications of such parts of each of those works respectively as are to be made within thirty-five feet of the Cornwall Minerals Railway works or lands for his consideration and reasonable approval thereof and if in any case he does not within one month after the delivery thereof to him approve the same with such modifications if any thereof as he reasonably requires and sign the same in testimony of his approval thereof and deliver the same so signed to the engineer of the Company on application made to him for that purpose by such engineer or if the Company object to any modification thereof required by him then they may submit the same to a competent and impartial civil engineer to be appointed by agreement between the Company and the Great Western Company or failing such agreement by the Board of Trade for his consideration and reasonable approval such approval in like manner to be testified by his signature and the Company shall not begin the execution of any of the works so shown on the respective plans unless and until the same with the sections and specifications thereof are so approved and such approval of the Board of Trade shall be at the expense of the Company.

(e.) The foregoing works respectively so far as they directly or indirectly affect any part of the Cornwall Minerals Railway works lands and conveniences shall be made and maintained by and at the expense of the Company (except as herein-after mentioned) in accordance with the plans sections and specifications so approved and under the superintendence and to the reasonable satisfaction of the Great Western Company's principal engineer who from time to time may at the expense of the Company appoint and employ such necessary inspectors and watchmen to superintend the execution of the works and

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to secure the safety of the Cornwall Minerals Railway and works and to prevent interruption to the traffic thereon as he thinks proper:

(F.) The Great Western Company if and when they think fit may execute for and at the expense of the Company and may from time to time repair and maintain also at the expense of the Company all or any of those works respectively which are to be made and maintained in upon or within thirty-five feet of any part of the said railway works conveniences and lands and if any dispute shall arise between the Company and the Great Western Company with regard to the costs reasonably incurred by the Great Western Company in executing such works the same shall be settled by arbitration in manner provided by the Railway Companies Arbitration Act 1859 and for the purposes of such arbitration the Company shall be taken and considered in every respect as if they were a railway company.

22 & 23 Vict. c. 59.

(G.) The Company shall not without the consent of the Great Western Company testified by writing signed by their secretary acquire any part of their lands or property or any part of the lands or property used by them or in which they have any interest but if and where any of the works of the Company authorised by this Act or any part thereof is to be executed in or upon any land of the Great Western Company or of the Cornwall Minerals Railway Company used by the Great Western Company or in which they have any interest the Company may acquire an easement or right of constructing and maintaining any such work on that land in such manner as not to prejudice any part of the Cornwall Minerals Railway works and conveniences or the passage of engines waggons and carriages over or along the said railway.

(H.) The Company shall pay to the Great Western Company for such easement over the lands of the Cornwall Minerals Railway Company or any part thereof the sum of five pounds per annum so long as the Company pay a less dividend than five pounds per cent. per annum and twenty-five pounds per annum at and after the time when the Company pay a dividend of five pounds per cent. per annum such sum to become due and payable on the first day of January in each year after the Company shall have entered upon the said railway lands and property or any part thereof and shall be payable every year thereafter so long as the Company shall use any part of the same for any of the purposes of this Act.

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(I.) The Company shall at any time or times if required so to do by the Great Western Company alter at their own expense the site or position of the said aqueducts conduits or lines of pipes or any of them on the said railway lands or property but in so doing they shall cause as little damage or injury to the said railway lands or property as they possibly can and shall also restore at their expense the said railway lands and property to the same or as near the same state or condition as before any such alteration.

(J.) If for a period of six months after the rent payable to the Great Western Company has become due and such rent is not paid and after such rent has been duly demanded or if for a period of six months the aqueducts conduits or lines of pipes or the other works of the Company or any of them on the railway lands or property of the Cornwall Minerals Railway Company are discontinued the Great Western Company may after giving six months notice to the Company at the cost of the Company remove such aqueducts conduits or lines of pipes or other works of the Company and resume possession of the site thereof.

(K.) The Great Western Company or the Cornwall Minerals Railway Company shall not be liable to the Company for any loss or damage which the Company may sustain in the event of accident to a train or to any engines carriages or waggons on the said railway by or in consequence of which any damage or injury is done to any aqueduct conduit or pipe of the Company or whereby the flow of water in or through the same is impeded or stopped.

(L.) The Company shall at any time or times after being required so to do by the Great Western Company supply the said Company with such water as they may require for their station locomotives engines and other purposes at a sum not exceeding threepence for every one thousand gallons supplied to them.

(M.) If by reason of any of the works of the Company or the failure of any such works the Cornwall Minerals Railway or any of the works thereto belonging are injured or damaged such injury or damage shall be forthwith made good by the Great Western Company at the expense of the Company and the Great Western Company may recover the expenses thereof with costs at the discretion of the court against the Company in any court of competent jurisdiction and if any interruption is occasioned to the traffic over the said railway by reason of

any of the works or proceedings or failure of the works of the Company the Company shall on demand pay to the Great Western Company all costs and expenses to which they may be put as well as full compensation for the loss sustained by them by reason of any such interruption such costs and expenses and compensation to be recovered with costs as aforesaid.

Power to purchase lands by agreement.

26. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands delineated on the deposited plans and described in the deposited book of reference any lands and hereditaments not exceeding in the whole five acres which the Company may from time to time require for the purposes of their works and undertaking. But the Company shall not erect any buildings upon such lands other than offices residences for persons in their employ or such buildings and works as may be incident to or connected with their water undertaking.

Power to take easements &c. by agreement.

27. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege in over or affecting any such lands not being an easement right or privilege 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 as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Limits of deviation.

28. Except as in this Act otherwise provided the Company in constructing the waterworks by this Act authorised may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked or described in writing thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards. Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given construct any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections with respect to the corresponding embankment or wall and three feet in addition.

Period for compulsory purchase of lands.

29. 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 from the passing of this Act.

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Period for completion of works.

30. If the waterworks authorised by this Act and shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing herein contained shall restrict the Company subject to the provisions of this Act from extending enlarging altering or removing any of their engines machinery mains or pipes from time to time as occasion requires for supplying water within the limits in that behalf of this Act.

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

31. Except as in this Act otherwise provided if any difference arises between the Company and any Railway Canal or other company whose land or works the Company have power to cross under the authority of this Act for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their aqueducts conduits or lines of pipes or the facilities to be afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Company may sell spare lands of undertaking.

32. The Company may from time to time demise and also either before or after making any demise thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands or works by this Act vested in them or acquired by them under this Act which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands) and on the sale by the Company of any lands or works they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale 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.

Reservation of water rights &c. on sale.

Constant pressure &c.

33. Water supplied under this Act need not be constantly laid on under pressure but the Local Government Board may at any time or times hereafter order that the water to be supplied under this Act within the whole or any part of the Company's water limits shall be constantly laid on under pressure and the Company shall be bound by such order as if the same were herein enacted and with a view to the better execution of the provisions of this section the Company shall on the first day of February in every year report to the Local

Government Board within what parts of the Company's water limits the water supplied by the Company is not constantly laid on under pressure.

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

34. The Company shall at the request of the owner or occupier of any dwelling-house or any part of a dwelling-house in any street in which any pipe of the Company shall be laid or on the application of any person who under the provisions of this Act is entitled to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic use (including the supply for one watercloset) at rates not exceeding the rates herein-after specified (that is to say):

If the gross estimated rental of the house or of part of a house does not amount to four pounds the rate of eight shillings and eightpence per annum upon such gross estimated rental and so in proportion for any shorter period.

If such gross estimated rental amounts to four pounds but does not amount to seven pounds the rate of twelve shillings per annum upon such gross estimated rental and so in proportion for any shorter period.

If such gross estimated rental amounts to seven pounds but does not amount to ten pounds the rate per annum of sixteen shillings upon such gross estimated rental and so in proportion for any shorter period.

If such gross estimated rental amounts to ten pounds and does not amount to fifteen pounds the rate of twenty-four shillings per annum upon such gross estimated rental and so in proportion for any shorter period.

If such gross estimated rental amounts to fifteen pounds but does not amount to twenty pounds the sum of thirty-two shillings per annum upon such gross estimated rental and so in proportion for any shorter period.

If such gross estimated rental amounts to and exceeds twenty pounds the rate of seven pounds ten shillings per centum per annum upon such gross estimated rental and so in proportion for any shorter period.

Provided always that the Company shall not be compellable to afford a supply of water for domestic purposes at a less rate than twopence per week.

For the purposes of this section the gross estimated rental shall be ascertained by the valuation list in force at the time in the district in which the dwelling-house in respect of which the water rate is made is situate and if there should be no such valuation list

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then by the last rate for the relief of the poor made in respect of such dwelling-house.

Rates for water closets and baths.

35. In addition to the rates for the supply of water for domestic purposes the Company may demand and receive for every water-closet beyond one in any house any yearly sum not exceeding five shillings and for every private fixed bath in any house any yearly sum not exceeding ten shillings.

Rates payable quarterly in advance.

36. The rates for a supply of water for domestic purposes shall be payable in advance by equal quarterly payments on Lady Day Midsummer Day Michaelmas Day and Christmas Eve in every year.

For preventing fouling water.

37. Provided always that the Company shall not be compelled to supply with water any watercloset or any private fixed bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the Company and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Supply of water by meter.

38. The Company shall at the request of any consumer of water for purposes other than the purposes for or in respect of which the rates or charges are herein-before provided or limited or may at their own instance afford a supply of water by meter and may charge for such supply not exceeding the following rates per one thousand gallons (that is to say) :—

When the quarterly consumption of water shall not exceed fifty thousand gallons, one shilling and sixpence :

When exceeding fifty thousand gallons, one shilling and sixpence for the first fifty thousand gallons and one shilling for any further quantity consumed.

Power to sell or let meters.

39. The Company may from time to time sell and dispose of meters or let meters on hire upon and subject to such terms (pecuniary or otherwise) and conditions as the Company think fit.

Regulations for preventing waste of water.

40. The Company may from time to time make regulations for the purpose of preventing the waste or misuse or contamination of water and amongst other things may by such regulations prescribe (with or without reference to models patterns or samples) the size nature materials workmanship and strength of the pipes cocks ferrules valves soil-pans watercloscts baths cisterns and other apparatus or receptacles whatsoever to be used and forbid any arrangements and

the use of the several things before mentioned or any or either of them which may lead to such waste or misuse or contamination. A.D. 1882.

Confirmation of regulations.

41. No such regulation shall be of any force or effect except within the district which the Company is bound to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same. And no such regulation shall be confirmed until after the expiration of ten days after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulation shall have been given by or on behalf of the Company to the local authorities within the limits of supply who may within the said period of ten days make such representation with reference thereto to the Local Government Board as such authorities shall think expedient.

Publication of regulations.

42. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company. All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

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

For enforcing regulations.

44. In case of failure of any such person to observe such regulations as are for the time being in force the Company may (notwithstanding any contract or otherwise) if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe valve cock cistern bath soil-pan watercloset or other apparatus or receptacle belonging to or used by any person supplied by them 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 by them summarily.

Disputes to be determined by justices.

45. In the event of any dispute between the Company and any customer or intended customer as to the fact or extent of any alleged non-compliance with any such regulations such dispute shall

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be referred to the determination of two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and as to the persons by whom such costs are to be paid shall be final and conclusive.

Power to Company to agree for supplies of water for other than domestic purposes.

46. Subject to the provisions of this Act the Company may from time to time enter into and carry into effect such contracts and arrangements with any corporation local board of health urban or rural sanitary authority or other local authority and the trustees of any turnpike or other road or any highway board or any surveyors of any highway and any railway company and any other companies bodies or persons with respect to the supply of water in bulk or otherwise as the Company think fit and every such contract and arrangement may be for such period, on such terms pecuniary or otherwise and conditions as the Company think fit and they may from time to time by agreement vary or rescind any such contracts or arrangements.

Domestic supply within limits of Act not to be interfered with by supply for other purposes.

47. Notwithstanding anything in this Act contained the Company shall not supply water in bulk or otherwise to any corporation body or person beyond the limits for the supply of water by this Act authorised nor to any person within those limits for other than domestic purposes, if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the limits by this Act authorised.

Entry on premises to cut off supply in certain cases.

48. In all cases in which the Company are by this Act authorised to cut off the pipe or to turn off water from any premises, the Company their agents and workmen (after giving notice to the owner or occupier as herein-after provided) may enter into such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water of the Company shall be supplied to such premises.

Mode of giving notice.

49. The notice to be given previously to such entry shall be in writing and shall be served in manner following (that is to say) :—

If the premises intended to be entered 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 and posted 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 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.

Service pipes.

50. All fittings connected with any service pipe to communicate with the mains and pipes of the Company which shall be provided by any person shall be placed and removed under the superintendence of the Company and at the expense of such person.

Power to remove meters and fittings.

51. The Company after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal and every notice required by this section shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or business in England or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry then by being affixed on some conspicuous part of such building or lands.

Notice to Company of putting up meters &c.

52. 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.

Repair of meters.

53. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any

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water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Register of meter to be primâ facie evidence.

54. The register of the meter, when in perfect working order, shall be primâ facie evidence of the quantity of water consumed by any customer of the Company in respect of which any water rate or rent is charged and sought to be recovered by the Company.

Fraudulently injuring meters &c.

55. 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 fraudulently prevents any such index from duly registering the quantity of water supplied 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 damages is paid notwithstanding any contract previously 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 the same has been fraudulently caused by the consumer using such pipe meter or fitting.

For preventing frauds and waste of water.

56. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act or wilfully fails to do anything which under this Act ought to be done for the prevention of waste misuse or undue consumption of water the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

Power for Company to supply materials &c.

57. 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 meters pipes valves cocks

baths soil-pans waterclosets apparatus and receptacles as are required in connexion with such supply and may provide all materials and do all work 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.

Incoming tenant not liable for arrears.

58. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rate or 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.

Company not bound to supply several houses by one pipe.

59. The Company shall not be bound to supply more than one house by means of the same pipe but they may if they think fit require that a separate pipe be laid into each house supplied by them with water.

Recovery of sums due.

60. If any person fails to pay any water rent meter rent and rate due to or recoverable by the Company under this Act then if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned) and any justice may issue his warrant accordingly and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent rate damages costs expenses or other sum.

Notice of discontinuance.

61. 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 principal office for the time being of the Company.

Liability to water rent not to disqualify justices &c.

62. A justice or a judge of any court shall not (except as in this Act expressly provided) 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.

63. 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.

Costs of distress.

64. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the cost of the proceedings for 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.

65. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and

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for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Expenses of Act.

66. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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