CHAPTER cx.

An Act for supplying with Water certain Parishes in North Warwickshire. A.D. 1898.

[25th July 1898.]

WHEREAS there is no proper or adequate supply of water to the parish of Foleshill and adjacent parishes and places in the county of Warwick:

And whereas the persons in that behalf in this Act named with others are willing on being incorporated into a company with the necessary powers for such purposes to undertake the supply of water to such parishes and places and it is expedient that they should be incorporated accordingly and authorised to construct waterworks as by this Act provided and that such other powers as are in this Act contained should be conferred on them for the better and more effectually carrying the purposes of this Act into effect:

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and the lands which may be taken for the purposes thereof and also 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 such lands have been deposited with the clerk of the peace for the county of Warwick and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the objects of this Act cannot be 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:—

1. This Act may be cited for all purposes as the North Warwickshire Water Act 1898. Short title.

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Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act (namely) The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the former Act "with the consent in writing of the "owner or reputed owner of any such house or of the agent of "such owner").

Interpretation.

3. In this Act the several words and expressions herein-after mentioned have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings;

The expression "the Company" means the Company incorporated by this Act;

The expressions "the waterworks" and "the undertaking" respectively mean and include the waterworks and the works connected therewith and the undertaking by this Act authorised;

The expression "the plan" means the plan signed in triplicate by James William Lowther the Chairman of the Committee of the House of Commons to which this Act was as a Bill referred and deposited in the Private Bill Office of that House.

Company incorporated.

4. Edwin Soden Boot Louis Henry Deronet Richard Barnes Joseph Ashley and all other persons who have already subscribed 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 purpose of making and maintaining the waterworks and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The North Warwickshire 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.

Limits of Act.

5. The limits of this Act for the supply of water shall be the parishes of Foleshill Exhall Sowe Wyken Stoke Binley Keresley and Corley all in the county of Warwick.

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Power to local authority to supply water in case Company fails to supply.

6. If at any time after the expiration of eighteen months as regards the roads streets and areas respectively coloured pink upon the plan and of three years as regards the remainder of the area within the limits of supply from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient and constant supply of water in accordance with the provisions of this Act the local authority of the district in which such roads streets and areas are respectively situate may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 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 such district not sufficiently supplied by the Company as if in either case there were no company authorised by this Act to supply water therein If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

For protection of corporation of Coventry.

7. The following provisions for the protection and benefit of the mayor aldermen and citizens of the city of Coventry (in this section called "the corporation") shall apply and take effect unless otherwise agreed between the corporation and the Company (that is to say) :—

Nothing in this Act contained shall take away or interfere with the rights of the corporation (if any) to sink wells and to take water from any area comprised within the limits of this Act :

If at any time within seven years from the passing of this Act the boundary of the city of Coventry shall be altered so as to include within that city any portion of the parishes of Foleshill and Stoke the Company shall if required by three months' notice in writing given by the corporation to the Company sell to the corporation and the corporation if they shall give such notice and shall have or obtain within the time aforesaid the necessary power so to do shall purchase so much of the undertaking works mains pipes plant and apparatus of the Company as is situate at the date of the service of such notice within the area so included in the city at such price and upon such terms and conditions as may be agreed on between the Company and the corporation or failing agreement as may be determined by arbitration in accordance with the provisions of the Lands Clauses Acts and from and

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after payment of such price such area shall cease to form part of the limits of this Act and the powers rights and liabilities of the Company in regard to such area shall cease and determine and the part of the undertaking purchased by the corporation shall form part of their water undertaking:

Provided that the arbitrators or their umpire to be appointed in pursuance of the Lands Clauses Acts shall not in determining the price to be paid by the corporation make any allowance for or in respect of prospective value of the portion of the undertaking to be acquired by the corporation to accrue after the year one thousand nine hundred and ten:

The power of purchase herein granted shall be exercised only in the event of and as to any extension of the city boundaries being duly authorised as aforesaid.

General purposes of the Company.

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

Capital.

9. The capital of the Company shall be thirty-six thousand pounds in three thousand six hundred shares of ten pounds each.

Shares not to be issued until one fifth paid up.

10. Except as otherwise expressly provided by this Act the Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person 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.

Power to borrow.

11. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole nine thousand pounds in respect of the capital of thirty-six thousand pounds by this Act authorised or they may (subject to the conditions herein-after contained) borrow from time to time not exceeding three thousand pounds in respect of each portion of capital not exceeding twelve thousand pounds issued by the Company but no part of any such sums shall be borrowed until the whole capital or respective portion 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 such capital or portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital or portion of capital has

been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital or portion 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 their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Calls.

12. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls.

For 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 one thousand pounds in the whole.

Receipt in case of persons not sui juris.

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

Debenture stock.

15. 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 (after the passing of this Act) created and issued or granted by the Company under this Act 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 and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock.

16. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on the 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 debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against

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the Company in respect of any rentcharge granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or for land taken used or occupied by the Company for the purposes of their undertaking or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

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

First ordinary meeting.

18. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act.

Number of directors.

19. The number of directors shall be five but the Company may from time to time increase or reduce the number provided that the number be not more than seven or less than three.

Qualification of directors.

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

Quorum.

21. The quorum of a meeting of directors shall be three.

Directors.

22. Alfred Thomas Cull Frederick Miller Edward James Holmes and any two other persons to be nominated by 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 either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Auditors need not hold shares.

23. It shall not be necessary for auditors appointed by the Company to hold shares in the capital of the Company.

Power to make works.

24. Subject to the provisions of this Act the Company may make and maintain in the lines or situations and according to the levels shown on the said deposited plans and sections the pumping stations wells or shafts conduits or lines of pipes service reservoirs alterations deviations diversions and other works wholly in the county of Warwick and shown on the said deposited plans among which are comprised the following namely:—

Work No. 1. A well or wells and pumping station to be situated in the parish of Corley:

Work No. 2. A reservoir to be situated in the same parish:

Work No. 3. A conduit or line of pipes commencing in the well herein-before described and terminating in the reservoir herein-before described:

Work No. 4. A well or pumping station to be situate in the parish of Keresley:

Work No. 5. A conduit or line of pipes commencing in Work No. 2 herein-before described and terminating in Work No. 4:

Together with all proper wells shafts drifts adits engines pumps machinery buildings pipes conduits sluices stand pipes tanks embankments culverts drains approaches and other works and conveniences ancillary or subsidiary thereto or connected therewith and may enter upon take and use such of the lands described in the deposited plans and book of reference as they may require for the purposes of this Act and may take use and appropriate for the purposes of the works and undertaking of the Company all waters found in on or under any of the lands shown upon the deposited plans and for the time being belonging to the Company.

Limits of lateral and vertical deviation.

25. In constructing the works authorised by this Act the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown and defined thereon and may deviate vertically from the levels shown on the deposited sections in the case of the service reservoir to any extent not exceeding three feet upwards or five feet downwards and in the case of any other work to an extent not exceeding six feet upwards or seven feet downwards Provided that when any work is to be made on any road the limits of lateral deviation if not otherwise laid down shall be the boundaries of such road and no pipe or main shall be laid above the surface of any road unless so shown on the deposited plans.

For protection of London and

26. The following provisions for the protection of the London and North Western Railway Company (herein-after called "the

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North Western Railway Company.

railway company") shall be in force and have effect and be binding on the Company and their assigns:—

In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans and sections to be submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operation of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge or level crossing the Company shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the Company by all and the same means as any simple contract debt is recoverable.

Period for compulsory purchase of lands.]

27. 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.

Period for completion of works.

28. The works hereby authorised shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for making the said works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed Provided always that subject to the restrictions and provisions of this Act the Company may alter renew enlarge

and extend their engines machinery tanks wells shafts adits pipes and other works in such way and manner as they may think requisite or advisable for supplying water within the limits of this Act. A.D. 1898.

Power to owners to grant easements &c.

29. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which parties other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the last-mentioned 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.

Purchase of lands by agreement.

30. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purpose of preventing the fouling of the water of any spring or stream directly or indirectly connected with the water supply of the Company and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole twenty acres in extent or any easement (not being an easement or right of water in which other parties than the grantors have an interest) in over or under any such lands Provided that the Company shall not sink drive construct or use any well drift or adit upon any such lands or create or permit any nuisance thereon and that no buildings shall be erected on such lands except such as are required for or are connected with the purposes of the Company's waterworks.

Restriction on taking houses of labouring class.

31. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons

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other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Constant pressure.

32. Water supplied under this Act shall be constantly laid on under pressure but need not be supplied in any case at a level above that at which water can be supplied by gravitation from the reservoir by this Act authorised.

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

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

Where the rateable value of the premises so supplied with water does not exceed five pounds per annum the sum of twopence per week ;

Where the rateable value exceeds five pounds but does not exceed ten pounds per annum the sum of threepence per week ;

Where the rateable value exceeds ten pounds but does not exceed forty pounds at a rate per annum not exceeding eight per centum of such rateable value ;

Where the rateable value exceeds forty pounds at a rate per annum not exceeding seven pounds per centum of such rateable value :

Provided as follows :—

The Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable :

Owners compounding for the payment of rates in respect of a supply for domestic purposes to three or more houses whether occupied or not shall be allowed an abatement of ten per centum on the rates hereby prescribed :

All inns and hotels whether public or private the rateable value of which exceeds five pounds shall be liable to a yearly rate not exceeding nine pounds per centum :

When the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of a dispute to be determined by two justices :

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

Rates for water-closets and baths.

34. In addition to the rates computed as above specified the Company may charge for every watercloset beyond the first (for which no additional charge shall be made) the sum of five shillings per annum and for any private bath in any private dwelling-house or part of such private dwelling-house or appurtenant thereto the sum of ten shillings per annum Provided that such bath shall not contain when usually filled for use more than fifty gallons of water.

Penalty for using water for other than domestic purposes.

35. In addition to and without prejudice to the provisions in this Act contained with regard to the misuse of water supplied by the Company no person supplied by the Company with water for domestic purposes shall use such water or suffer the same to be used for the purpose of affording power to or in connexion with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding forty shillings.

Charges for supply of water for other than domestic purposes.

36. The Company may supply water within the limits of this Act for purposes other than domestic purposes by meter or otherwise and on such terms pecuniary or otherwise and conditions as shall be agreed on between the Company and the person requiring the supply and the moneys payable for the supply shall be water rates and recoverable accordingly Provided that the Company shall not be bound to supply water otherwise than by measure to any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required Provided also that the price to be charged shall not exceed two shillings per thousand gallons with a minimum payment of eight shillings per quarter.

Contracts for supplying water for public purposes.

37. The Company may enter into and carry into effect any contract or arrangement with any local authority corporation or public body for the supply of water by the Company in bulk

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for the purposes mentioned in section thirty-seven of the Waterworks Clauses Act 1847 and for other public purposes within the limits of this Act Provided that the powers of this section shall not be exercised within the limits of any local authority or of any company now or hereafter authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply water without the consent in writing of such authority or company Provided also that the Company shall not supply water under any such agreement if and so long as the affording such supply would prevent the Company from giving a full and sufficient supply for all purposes within their limits of supply.

Where several houses supplied by one pipe each to pay.

38. Where several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

Penalty for misuser of water by tenant of one of several tenements in a row.

39. Any tenant or occupier of one or of part of one of several houses supplied by a common pipe who takes or uses the water laid on by the Company to any other such house or allows the same to be used contrary to the provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Rate payable by owners for small houses.

40. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from 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 a notice to pay the rate being given to him or left at his dwelling-house.

Regulations for preventing waste &c. of water.

41. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say) :—

(1) The Company may make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings

means contrivances receptacles or appliances 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 allow or tend to waste or undue consumption misuse erroneous measurement or contamination:

(2) No such regulations shall be of any force or effect except within such parts of the district as the Company is bound to supply and does in fact supply or is prepared on demand 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 who are hereby empowered to confirm the same:

(3) No such regulations shall be confirmed until after the expiration of two months after notice in writing to submit the same for confirmation together with a copy of the proposed regulations to the local authorities within the limits of supply who may within the said period of two months make such representations to the Local Government Board as they see fit:

(4) A copy of all such regulations in force for the time being shall be kept at the office of the Company and 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 twopence for each copy:

(5) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof:

(6) In case of failure of any person to observe such regulations as are for the time being in force the Company 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 pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person 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 as water rent is recoverable:

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(7) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

Power to sell and let meters.

42. The Company may from time to time sell and dispose of meters or let meters on hire and may charge a rent for each meter at a rate per annum not exceeding fifteen per centum of the price of such meter such rent to be paid quarterly in advance and to be recoverable with and as a water rate.

Company to pay interest on money deposited as security for meter.

43. If any person is required by the Company to give to them securities for the payment of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every twelve months during which the same remains in their hands.

Company to keep meters in repair.

44. The Company shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues The Company shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Register of meter to be evidence.

45. Where the Company supply water 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 of which any water rent is charged and sought to be recovered by the Company Provided always that if the Company and the consumer 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 justices shall be final and binding on all parties.

Company's officer may enter buildings.

46. The Company's manager or other person duly appointed for the purpose by the Company showing his authority if required to do so may between the hours of nine in the fore-

noon and four in the afternoon enter any building or place supplied with water by the Company and inspect the meter pipes fittings and apparatus for regulating the supply of water and see whether they are in good repair and if such manager or other person at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Power for Company to supply materials.

47. The Company may if requested by any person supplied or about to be supplied by them with water provide and furnish to him and from time to time repair or alter any such meters pipes valves cocks baths soil-pans waterclosets boilers cisterns fountains filters fittings apparatus and receptacles as are required or permitted by their regulations 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.

Service pipes.

48. All service pipes and fittings and 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.

49. The Company by their agents or workmen 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 house building or land in which any pipe meter or fitting belonging to the Company is laid and fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Notice to Company putting up meters.

50. 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 forty-eight 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.

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Injuring meters.

51. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fittings belonging to the Company or who fraudulently alters the index to any meter or prevents any meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company 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 forfeit and pay to the Company a sum not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter 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 user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such meter.

For preventing frauds and waste of water.

52. 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 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.

Notice of discontinuance.

53. 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 or sent by post to the principal office for the time being of the Company.

Incoming tenant not liable for arrears of former tenant.

54. In case any consumer of water supplied by the Company leave the premises where such water has been supplied to him without paying to them the water rate or meter rate due from him the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Several sums in one summons or warrant.

55. 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 sums.

Justices not disqualified for liability to water rates.

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

Penalties not cumulative.

57. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Costs of Act.

58. 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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