CHAPTER cxxxi.

An Act for incorporating the South Kent Water Company and empowering them to construct Works and supply Water and for other purposes. [12th August 1889.]

A.D. 1889.

WHEREAS the supply of water within the parishes and places of Goudhurst Hawkhurst Cranbrook and Tenterden and the several other parishes townships and places in the county of Kent herein-after defined as the limits of this Act is at present inadequate and it is expedient that provision should be made for affording an adequate supply of pure and wholesome water thereto:

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 townships 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 also books 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 required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons

A.D. 1889.

in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the South Kent Water Act 1889.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 and 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 the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 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 this Act) incorporated with and form part of this Act. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act 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.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

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:

And for the purposes of this Act the expression "railway" in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act means the well and pumping station and the reservoir by this Act authorised and the expression "centre of the railway" in those provisions means any part of such reservoir or well and pumping station as the case may be and the prescribed limits shall be fifty yards from any part of such reservoir or well and pumping station and the expression "superior courts" or "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 simple contract debt and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act for the supply of water shall be the parishes and townships following (that is to say) :—

Mereworth Hadlow Capel Tudeley East Peckham West Peckham Wateringbury Goudhurst Cranbrook Benenden Brenchley Chart Sutton Sutton Valence Headcorn Frittenden Bittenden High Halden Tenterden Rolvenden Sandhurst and Newenden in the county of Kent :

So much of the parishes of Lamberhurst Hawkhurst and Horsmonden as is situate in the county of Kent : and

So much of the parish of Pembury in that county as is not included within the limits for the supply of water of the mayor aldermen and burgesses of the borough of Tunbridge Wells :

Provided that if in any parish within the limits the Company shall not have made adequate provision for the supply of water within seven years from the date of the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of any such parish.

Company incorporated.

5. Sir Charles James Jessel Baronet George Hinds Edmund Lyons Wellesley Haskett Smith and John Mansel Brett 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 herein-after mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the South Kent Water Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

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

Capital and number and amount of shares.

7. The capital of the Company shall be fifty-two thousand pounds in five thousand two hundred shares of ten pounds each.

Shares not to be issued until one fifth part thereof shall have been 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.

A.D. 1889.

Calls.

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

Receipt in case of persons not sui juris.

10. 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.

Power to borrow.

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

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 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 so created whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

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

Power to create debenture stock.

14. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Moneys borrowed on mortgage or debenture stock to have priority.

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

Application of moneys.

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

First and subsequent meetings.

17. The first ordinary meeting of the Company shall be held within four months after the passing of this Act and the subsequent

A.D. 1889.

ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

Number of directors.

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

Qualification of directors.

19. The qualification of a director shall be the possession of not less than twenty-five shares in his own right or fifty shares jointly with some other person.

Quorum of directors.

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

First directors.

Election of directors.

21. Sir Charles James Jessel Baronet George Hinds Edmund Lyons Wellesley Haskett Smith John Mansel Brett and one other person to be nominated by them or 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 either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act or nominated as aforesaid being if 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 died or 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.

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

Power to take lands.

23. Subject to the provisions and for the purposes of this Act the Company may enter upon take and use all or any of the lands defined on the deposited plans and described in the deposited books of reference.

Power to make waterworks.

24. 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 works herein-after described and may exercise the powers herein-after mentioned. The works herein-before referred to and authorised to be made and maintained and the powers

by this Act authorised to be exercised comprise the following works in the county of Kent and the following powers (that is to say) :—

(A.) A well and pumping station to be situate in the parish of East Peckham in the property belonging or reputed to belong to the Reverend Marshall Wild numbered 340 in the said parish on the Ordnance map scale 1-2500 near the south corner of the Oil Mill forming part of that property :

(B.) An aqueduct conduit or line of pipes commencing at the well and pumping station above described and by this Act authorised passing thence from through or into the parishes of East Peckham Yalding Nettlestead and Brenchley and terminating at the reservoir herein-after described and by this Act authorised :

(C.) A reservoir to be situate in the said parish of Brenchley in the north-western portion of the property numbered 1458 in that parish on the said Ordnance map :

(D.) All proper and necessary embankments filtering beds softening tanks dams gauges drains pipes sluices catchpits conduits culverts channels wells cuts adits roads approaches apparatus engines pumps machinery works and conveniences in connexion with such works :

(E.) The collection taking and using of all or any of the underground springs and waters which can or may be collected or taken by means of the aforesaid well and pumping station and reservoir or which may be found in or under any of the lands to be acquired by the Company under the powers of this Act.

Powers of Company in Maidstone rural sanitary district.

25. The Company shall not take or use any water or springs within the parishes of Nettlestead Yalding Marden or Staplehurst or any of them but shall have and may exercise within the said parishes or any of them the powers of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying down maintaining repairing or renewing any mains or pipes for the supply of any portion of the district which they are authorised to supply under this Act and may accordingly lay down maintain repair and renew any such mains or pipes within such parishes or any of them but except as aforesaid the Company shall have no powers within the said parishes and all the powers of the Maidstone Union rural sanitary authority with respect to providing or maintaining the water supply within the limits of their jurisdiction shall be reserved and retained.

Lateral and vertical deviation.

26. In making the works by this Act authorised the Company may deviate laterally from the lines thereof shown on or prescribed by the deposited plans to any extent within the limits of deviation

A.D. 1889.

shown thereon or prescribed thereby and the Company may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any extent not exceeding three feet upwards and five feet downwards: Provided that the Company shall not in the exercise of the powers of lateral deviation hereby conferred upon them construct any embankment or retaining wall of any reservoir by this Act authorised of greater height above the general surface of the ground than the height of the corresponding embankment or wall shown on the deposited sections.

For the protection of the London Chatham and Dover Railway Company.

27. In laying down and maintaining mains and pipes for the supply of water within the limits by this Act authorised where such mains and pipes are intended to pass under over or along the London Chatham and Dover Railway or between the works of that railway the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer having the charge of that railway and works respectively and according to plans to be previously submitted to and reasonably approved by him before any such mains or pipes are laid down or in the event of his failing to signify his approval or disapproval within twenty-eight days after the submission of such plans then according to such plans as shall unless otherwise agreed be determined by arbitration and such engineer may appoint and employ such inspectors and watchmen as may be necessary to secure the safety of that railway and works and the costs of all such works as well as of such inspectors and watchmen as before provided for shall be borne and defrayed by the Company and such works shall be carried out so as not to cause any injury to that railway or the works thereof or any interruption of the passage or conduct of the traffic over or along that railway and if any loss injury or damage shall be sustained by the London Chatham and Dover Railway Company owing to or by reason of the laying down maintenance or repair of any of such mains or pipes or of interruption to any such traffic the Company shall make full compensation in respect thereof to the London Chatham and Dover Railway Company. Any difference which may arise between the Company and the London Chatham and Dover Railway Company under or as to the meaning of this section shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade and the decision of such arbitrator shall be final and the costs of such arbitration shall be in the discretion of the arbitrator.

For protection of the South-eastern

28. For the protection of the South-eastern Railway Company (herein-after referred to as "the South-eastern Company") the following provisions shall unless otherwise agreed between the

Company and the South-eastern Railway Company apply (that is to say):—

(A.) In laying down altering improving enlarging extending or renewing or in executing or effecting the repairs of any mains pipes culverts or other works in the exercise of any powers conferred on the Company upon across over under or in any way affecting the railways lands and property belonging to or used or occupied by the South-eastern Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the South-eastern Company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the South-eastern Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in the event of such engineer failing to signify his approval or disapproval or to give other direction within twenty-eight days after the submission of such plans as aforesaid in such manner as shall unless otherwise agreed be determined by an engineer to be appointed by the Board of Trade on the application of either the South-eastern Company or the Company and the decision of such last-mentioned engineer shall be final and conclusive between both parties: Provided that nothing in this Act contained shall authorise the Company to occupy or use permanently with their works any portion of the space occupied by the permanent way of the railway or the surface of any land or property of the South-eastern Company:

(B.) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the South-eastern Company's engineer the roads over any bridges level crossings and approaches which the South-eastern Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company:

(C.) All such works and operations and all matters incidental thereto shall be constructed executed and done under the directions of an inspector to be appointed by the South-eastern Company and all expenses incurred by the South-eastern Company in connexion with the employment of inspectors and watchmen on such works and the reasonable charges of the said engineer of the South-eastern Company shall be paid by the Company to the South-eastern Company on request and all such works and operations shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands

A.D. 1889.

or property or interruption to the passage or conduct of traffic over such railways or at any station thereon:

(d.) If any injury to such railways bridges level crossings approaches viaducts stations works lands or property of the South-eastern Company or any interruption whatever to the passage or conduct of traffic shall arise from or in any way be owing to any of the works operations and matters aforesaid or to the bursting leakage or failure of any such mains pipes culverts or works in under or near to any bridge or level crossing of the South-eastern Company the Company shall make compensation to the South-eastern Company in respect of such injury the amount of such compensation to be determined by arbitration in the manner herein-after provided and if any such interruption to the passage or conduct of traffic shall arise as aforesaid the Company shall pay to the South-eastern Company as liquidated damages the sum of ten pounds per hour for every hour during which such interruption shall exist:

(e.) The Company shall acquire only such an easement across over or under any of the railways works and property of the South-eastern Company as may be necessary for constructing and maintaining any of their works and shall pay to the South-eastern Company for any such easement to be so acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act with respect to the acquisition of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands:

(f.) Any dispute or difference which may arise between the South-eastern Company and the Company with reference to the provisions of this section or in any way arising thereout or any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the Board of Trade on the application of the South-eastern Company and the Company or either of them and the costs of such arbitration shall be in the discretion of the arbitrator.

As to county bridges &c.

29. Any alteration repair or improvement of any of the bridges or roads repairable by the county council of Kent or any alteration of or in the position of the same may be made as if this Act had not passed and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Act authorised to be made or placed in over or through any of the bridges or roads aforesaid or necessitates

any support either temporary or permanent to any such works the Company shall after fourteen days notice in writing by the county surveyor on behalf of the said county council forthwith make such alteration or afford such support at their own expense.

Period for compulsory purchase of lands.

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

Power to acquire additional lands by agreement.

31. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act from time to time by agreement purchase any additional quantity of land not exceeding in the whole five acres or any easement or right (not being an easement or right of water) in or over such additional lands or otherwise which they may from time to time think requisite for any of the purposes of the undertaking: Provided that the Company shall not on any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their undertaking.

Restriction on taking houses of labouring class.

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

Period for completion of works.

33. If the works 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 such period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging altering or renewing any of their engines machinery mains or pipes cuts adits or other incidental works from time to time as occasion requires for supplying water within the limits of this Act.

A.D. 1889.

Power to take easements &c. by agreement.

34. 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 (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Reservation of water rights &c. on sale.

35. On the sale by the Company of any lands 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.

Constant supply and pressure.

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

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

37. 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 owner or occupier or other person a sufficient supply of water for domestic purposes at rates according to the rateable value of such dwelling-house or part of a dwelling-house not exceeding the following (that is to say):—

Where the rateable value of the premises so supplied with water shall not exceed seven pounds at a rate not exceeding twopence per week:

Where such rateable value shall exceed seven pounds and shall not exceed twenty pounds at a rate per centum per annum not exceeding seven pounds ten shillings:

Where such rateable value shall exceed twenty pounds and shall not exceed forty pounds at a rate per centum per annum not exceeding seven pounds:

Where such rateable value shall exceed forty pounds and shall not exceed sixty pounds at a rate per centum per annum not exceeding six pounds ten shillings:

Where such rateable value exceeds sixty pounds but does not exceed eighty pounds at a rate per centum per annum not exceeding six pounds:

Where such rateable value exceeds eighty pounds but does not exceed one hundred pounds at a rate per centum per annum not exceeding five pounds ten shillings:

Where such rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding five pounds:

Rates for water-closets and private baths.

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

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

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

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

For preventing the fouling of water.

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

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

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

Power to sell or let meters.

40. The Company may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money

A.D. 1889.

and on such terms and conditions with respect to the repair maintaining and protection of such meter and fittings and for securing safe access to and the safety and return to the Company of such meter and fittings as may from time to time be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as water rates rents or charges due to the Company.

Notice to Company of putting up meters &c.

41. 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 all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Company 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.

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

Fraudulently injuring meters &c.

43. 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 meter or the index thereof 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 existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter.

Repair of meters.

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

Power to remove meters and fittings.

45. 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 or unavoidable accident 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.

Power for Company to supply materials &c.

46. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances as are required or permitted by their regulations in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Company not bound to supply several houses by one pipe.

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

Where several houses supplied by one pipe each to pay.

48. When several houses or parts of houses in the occupation of several persons are 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.

Supply of water to tenements in a row.

49. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such

A.D. 1889.

tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water.

Regulations for preventing waste of water.

50. 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 from time to time 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 make 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 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 one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations 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 one month 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:

(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 whereon such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

Representation of the Company in bankruptcy &c.

51. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement with creditors the secretary of the Company or any person appointed in that behalf by writing under the hands of two directors may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim of such secretary or person and not of the Company.

Form and service of notices by Company.

52. Any notice to be served by the Company on a person supplied with water or by any such person on the Company may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated in the case of a notice served by the Company by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp and in the case of a notice served on the Company by the signature of the person by or on whose behalf it is so served and any such notice may be served on such person either personally or by sending the same through the post by a registered letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usuai 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 diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of

A.D. 1889.

such premises and any such notice may be served on the Company by delivery at the principal office of the Company or by sending the same through the post by a registered letter addressed to the secretary to the Company at such office. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Incoming tenant not liable for arrears.

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

Notice of discontinuance.

54. 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 or be sent through the post by registered letter addressed to the secretary to the Company at such office.

Contracts for supplying water for public purposes.

55. The Company may from time to time enter into and carry into effect agreements with any urban or rural sanitary authority of any district adjoining the limits of supply or any company authorised to supply water under parliamentary authority within any such district for the supply by the Company to any such sanitary authority or company respectively of water in bulk and the agreements respectively may be for such times and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit and the Company may also from time to time enter into and carry into effect agreements with any such sanitary authority whose district or part of whose district is situate within the limits of this Act for the sale to such sanitary authority of all or any of the water pipes fittings and other water works or apparatus or any property of the Company which may be laid or be situate within the district of such sanitary authority. From and after the completion of any and every such sale all obligation on the part of the Company to supply water within the district of the sanitary authority to whom any such sale shall be made shall (except so far as may be otherwise agreed between the Company and such sanitary authority) cease and determine: Provided that it shall not be lawful for the Company to supply water under any such agreement beyond the limits of this Act or for other than domestic purposes within those limits if and so long as such supply shall interfere with the continuing supply of water for domestic purposes within the limits of this Act.

Liability to water rent not to disqualify justices &c.

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 rent meter rent rate or charge under this Act.

Costs of distress.

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

Penalties not cumulative.

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

For the protection of the Corporation of Tunbridge Wells.

59. Nothing contained in this Act shall be deemed to take away prejudice diminish or otherwise affect any of the estates property rights privileges easements powers or authorities vested in or heretofore enjoyed by the mayor aldermen and burgesses of the borough of Tunbridge Wells with respect to their waterworks undertaking.

Costs of Act.

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

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