CHAPTER c.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Calne Water, Cromer Water, Denbigh Water, and Kenilworth Water. [12th July 1882.]

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WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the Schedule to this Act annexed: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, as set out in the Schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore 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 as the Water Orders Confirmation Act, 1882. Short title.

2. The several Orders set out in the Schedule to this Act annexed shall be and the same are hereby confirmed; and all the provisions thereof in manner and form as they are set out in the said Schedule shall from and after the passing of this Act have full validity and effect. Confirmation of Orders in Schedule.

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SCHEDULE.

List of Orders.

1. Calne Water.—Order authorising the construction and maintenance of Waterworks and the supply of Water in the town and parish of Calne, and in the several parishes of Blackland and Calstone Wellington, in the county of Wilts.
2. Cromer Water.—Order authorising the maintenance and continuance of Waterworks and the supply of Water to the parishes of Cromer, Overstrand, Northrepps, and Runton, all in the county of Norfolk.
3. Denbigh Water.—Order empowering the Denbigh Water Company to raise additional Capital.
4. Kenilworth Water.—Order authorising the construction of Waterworks and the supply of Water in the town and parish of Kenilworth, in the county of Warwick.

Calne.

CALNE WATER.

Order authorising the construction and maintenance of Waterworks and the supply of Water in the Town and Parish of Calne, and in the several Parishes of Blackland and Calstone Wellington, in the County of Wilts.

Short title.

1. This Order may be cited as "The Calne Water Order, 1882."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking,) and of the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order.

Interpretation.

3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings.

Provided always, that the expression "superior court" or "court of competent jurisdiction," in any Act wholly or partially incorporated with this

Order, shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute.

In this Order—

The term "premises" shall mean and include any house, building or land in, to, or through which water is supplied under the authority of this Order.

The expression "annual value" in relation to any premises shall mean the net rateable value of such premises as ascertained by the valuation list for the time being in force.

The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Calne, Blackland, and Calstone Wellington, in the county of Wilts.

Undertakers.

Undertakers.

5. The Calne Waterworks Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

6. The share capital of the Undertakers shall not exceed five thousand five hundred pounds, unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of borrowing powers.

7. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their water undertaking authorised by this Order shall not at any time exceed in the whole thirteen hundred and seventy-five pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers, without the consent of the Board of Trade, in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order and secured as aforesaid.

Power to acquire lands.

8. The Undertakers may by agreement purchase or take on lease and use such of the lands shown on the deposited plans as they may require for the purposes of their water undertaking authorised by this Order, and they may by agreement from time to time purchase or take on lease and use any other lands and any easements, rights, or privileges in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold for such purposes more than five acres of land.

Persons under disability may grant easements, &c. to undertakers.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, 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

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applicable in this behalf, shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.

Waterworks.

Power to impound water.

10. The Undertakers may, by agreement with the owners and occupiers of the lands on which the same are situate, and subject to the provisions of this Order and of section twelve of the Waterworks Clauses Act, 1847, take, divert, collect, and impound the waters of or arising from or flowing out of any streams found in the lands shown on the deposited plans.

Power to construct waterworks and to supply water.

11. The Undertakers may on the lands shown on the deposited plans, when the same have been acquired by them, make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections, the works herein-after described, with all needful reservoirs, tanks, pipes, culverts, goits, embankments, cuts, drains, sluices, valves, air valves, engines, pumps, hydrants, walls, fences, filtering beds, weirs, meters, stand posts, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works authorised by this Order will be situate in the parishes of Calne, Blackland, and Calstone Wellington, and are as follows :—

(1.) A tank or service reservoir to be constructed, with its appurtenances and gauging and outlet works, at the foot of the springs adjacent to the old Mill Pool situate in the said parish of Calne, and on land belonging or reputed to belong to the Most Honourable Henry Charles Keith Fitzmaurice Marquess of Lansdowne, and the works necessary for the collecting of the waters of the streams found in lands shown on the deposited plans, and which the Undertakers may be authorised to take, divert, collect, and impound, and for the conveyance of the said waters into such tank or service reservoir:

(2.) The deepening, mudding out, and enlargement of the Mill Pool aforesaid, the restoration and strengthening of the embankment of the same, and the construction of proper flood-gates, weirs, bye washes, and overflow conduits, channels, culverts, or other necessary works:

(3.) A system of cast-iron pipes or conduits, varying from six inches to two inches in diameter, connected with the said tank and necessary works, and running along and under certain watercress beds, coppice, and occupation road, and a meadow, all belonging or reputed to belong to the said Marquess of Lansdowne, and situate in the said parish of Calne, and thence running along a meadow in the said parish of Calstone Wellington, and along the highway of the Calne Rural Sanitary Authority in the same parish, and thence into the said parish of Calne, across a meadow in the said parish belonging or reputed to belong to Anne Bewley, and thence along a meadow in the parish of Blackland belonging or reputed to belong to Thomas Harris, thence finally entering again the said parish of Calne, along the said road of the Calne Rural Sanitary Authority, thence running along and under the roads of the Local Board of Health of the

borough of Calne, and thence across a parcel of land in the said borough of Calne, called "the Green," belonging or reputed to belong to the said Marquess of Lansdowne, for a distance amounting in all to three miles and ninety-one yards, or thereabouts; and the water to be distributed in the borough of Calne shall be distributed by means of at least twelve smaller conduits, together with sluice valves, hydrants, service and stand pipes for the delivery of water within the limits of supply aforesaid:

Provided that the amount of water collected from the said springs and streams, and passed from the said tank or reservoir into the service pipes, shall not at any time exceed the limit of 700,000 gallons per week: Provided also, that the Undertakers shall deepen, mud-out, and enlarge the Mill Pool aforesaid as a compensation reservoir, so that when so enlarged it shall be capable of holding 4,000,000 gallons.

Limits of deviation.

12. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Period for completion of works.

13. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always, that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order within the limits of supply.

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

14. If any difference arise between the Undertakers and any railway canal, or other company whose land or works the Undertakers have power to cross, under the authority of this Order, 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 conduits or 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.

Supply.

Limits of pressure.

15. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or works authorised by this Order.

Rates for supply for domestic purposes.

16. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one watercloset) furnish to such owner or occupier a sufficient supply of water

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for such domestic purposes at rates not exceeding the rates herein-after specified; that is to say,

(1.) If the rackrent or (if not let at a rackrent) the annual value of the dwelling-house or part of a dwelling-house does not amount to five pounds per annum, the rate of eight shillings and eightpence per annum and so in proportion for any shorter period.

(2.) If such rack-rent or (as the case may be) annual value amounts to five pounds per annum but does not amount to seven pounds per annum, the rate of twelve shillings per annum, and so in proportion for any shorter period.

(3.) If such rack-rent or (as the case may be) annual value amounts to seven pounds per annum but does not amount to ten pounds per annum, the rate of fifteen shillings per annum, and so in proportion for any shorter period.

(4.) If such rack-rent or (as the case may be) annual value amounts to ten pounds per annum but does not amount to fifteen pounds per annum, the rate of twenty-two shillings per annum, and so in proportion for any shorter period.

(5.) If such rack-rent or (as the case may be) annual value amounts to fifteen pounds per annum but does not amount to twenty pounds per annum, the rate of twenty-nine shillings per annum, and so in proportion for any shorter period.

(6.) If such rack-rent or (as the case may be) annual value amounts to or exceeds twenty pounds per annum, the rate of seven and a half per cent. per annum upon such rack-rent or annual value, as the case may be, and so in proportion for any shorter period.

Rates for water-closets and baths.

17. The Undertakers may charge in respect of every water-closet beyond the first on any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with and as part of and recovered by the same means as the rate for the supply of water for domestic purposes: Provided always, that the Undertakers shall not be required to supply except on terms to be agreed on any bath containing, as usually filled for use, a quantity of water greater than fifty gallons. The Undertakers may, if they think fit, contract with any person for the supply of water to cattle, horses, stables, or for trade, agricultural or manufacturing purposes, either by agreement or by measure, as may be determined.

Power for Undertakers to make regulations for preventing waste or contamination of water.

18. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient, and as may be approved by the Local Government Board for preventing the waste, misuse, or contamination of water, and among other things may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply.

Power for Undertakers to refuse supply where regulations not complied with.

19. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations

be complied with, and if and whenever any difference arises as to whether the regulations have been complied with, the difference may be referred by either party to, and shall be settled by, two justices.

Water supplied by agreement.

20. The Undertakers may from time to time supply any local authority, company, or person within the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed on between the Undertakers and such local authority, company, or person, but notwithstanding any such agreement, no such local authority, company, or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order. And every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing.

Supply of water by measure.

21. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter, or other instrument for measuring water, provided by them at a rate per annum not exceeding fifteen per centum of the price of such meter or instrument, such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Undertakers to keep meter, &c., in repair.

22. The Undertakers 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 Undertakers 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 meters, &c., to be evidence.

23. Where water is supplied by measure, the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed, and in respect of which any water rate is charged and sought to be recovered by the Undertakers: Provided always that if the Undertakers and the consumer differ as to the quantity consumed such difference shall be determined upon the application of either party by two justices, 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.

Amendment of 10 & 11 Vict. c. 17. s. 44.

24. Section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Order have effect as if the words "with the consent in writing "of the owner or reputed owner of any such house, or of the agent of such "owner" were omitted therefrom: Provided always that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several houses supplied by one pipe each to pay.

25. 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

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parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house, unless the water rate is paid for the whole of such dwelling-house and premises.

Supply of water to tenements in a row.

26. Where there are several tenements in a row, 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 Undertakers to any other of such tenements unless the tenant or occupier be in respect of the tenement so occupied by him, rated under this Order for a supply of water.

Penalties.

Injuring meters.

27. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or other instrument for measuring water, or any fittings belonging to the Undertakers, or who fraudulently alters the index to any meter or other instrument for measuring water, or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, or commits any breach of any authorised regulation against waste, misuse, or contamination of the water supplied by the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained, and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured any pipe, meter, instrument, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or other instrument for measuring water, or prevented the same from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers when such pipe, meter, instrument, or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such pipe, meter, instrument, or fittings.

Misuser where supply to several houses is by a pipe common to all.

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

Miscellaneous.

Incoming tenant not liable to pay arrears.

29. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them

the water rate or rent due from him, the Undertakers 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 names in one summons.

30. Any summons or warrant issued for any of the purposes of this Order, may contain in the body thereof or in the schedule thereto several names and several sums.

Warrant of distress to include costs.

31. Any justice who issues a warrant of distress, in pursuance of the provisions of this Order, may order that the costs of the proceedings for the recovery of the money to be levied, shall be paid by the person liable to pay such money, and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices from acting.

32. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

8 Vict. c. 16. s. 140. incorporated.

33. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order: Provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean "the Undertakers."

Costs of Order.

34. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

CROMER WATER.

Cromer.

Order authorising the maintenance and continuance of Waterworks and the supply of Water to the Parishes of Cromer, Overstrand, Northrepps, and Runton, all in the county of Norfolk.

Short title.

1. This Order may be cited as "The Cromer Water Order, 1882."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking) and the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order, and the said provisions of the last-mentioned Acts shall apply as well to the pipes and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works

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Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings:

Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute:

In this Order—

The term "premises" shall mean and include any house, building or land in, to, or through which water is supplied under the authority of this Order:

The expression "annual value" in relation to any premises shall mean the net rateable value of such premises as ascertained by the valuation list for the time being in force.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Cromer, Overstrand, Northrepps, and Runton, all in the county of Norfolk.

Undertakers.

Undertakers.

5. The Cromer Waterworks Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Capital.

6. The share-capital of the Undertakers shall consist of the original share-capital amounting to ten thousand pounds, and of additional share-capital not exceeding ten thousand pounds, and the original and additional share-capital of the Undertakers shall not exceed the sum of twenty thousand pounds unless the Undertakers are hereafter authorised to raise further additional share-capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limits of dividends on additional capital.

7. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Limits of borrowing powers.

8. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their water undertaking authorised by this Order shall not at any time exceed in the whole five thousand pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order and secured as aforesaid.

Power to acquire land.

9. The Undertakers may by agreement from time to time purchase and use any lands and any easements, rights or privileges in, over, or affecting any

lands which they may require for the purposes of their water undertaking authorized by this Order: Provided always, that they shall not at any time hold for such purposes more than five acres of land in addition to the lands held by them at the time of the passing of the Act confirming this Order for such purposes.

Persons under disability may grant easements, &c. to Undertakers.

10. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege (not being an easement of water) 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 or to such easements, rights, or privileges as aforesaid.

Maintenance of Waterworks.

Power to maintain works.

11. The Undertakers, on the lands upon which the same are situate, so long as they are possessed of the said lands, may from time to time, as they think fit, maintain, continue, alter, enlarge and improve their existing waterworks hereafter described, and the works connected therewith, with all needful goits, conduits, or pipes, channels, dams, weirs, sluices, pens, locks, engines, engine houses, machinery, stand pipes, tanks, valves, air valves, hydrants, apparatus, walls, fences, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works herein-before referred to are as follows:—

(A.) A well or tank and shaft or boring and pumping station with pumping engine and boiler engine and boiler house, and other works situate on a piece of ground forming part of a piece of land called the "Three Corner Piece," and numbered 271 on the map or plan annexed to the Tithe Commutation award for the parish of Cromer;

(B.) A conduit line of pipes or pumping main commencing in the parish of Cromer at the said pumping station and terminating in the reservoir next herein-after described;

(C.) A reservoir in the said parish of Cromer on a parcel of ground forming part of the piece of land known as "Arbour Hill Wood;"

(D.) A conduit or line of pipes commencing in and out of the said reservoir and terminating at a point immediately opposite the parish church of the said parish of Cromer.

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

12. If any difference arises between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, 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 conduits or pipes, or the facilities to be afforded for the same, such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Supply of Water.

Limits of pressure.

13. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the reservoir on

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part of the piece of land known as "Arbour Hill Wood," authorised to be maintained by this Order.

Rates for supply for *domestic purposes.*

14. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house, entitled under the provisions of this Order to demand a supply of water for domestic purposes, (which shall include one watercloset,) furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates herein-after specified (that is to say):

Where the annual rackrent or value of the premises so supplied with water does not exceed five pounds, the sum of ten shillings;

Where such rackrent or value exceeds five pounds and does not exceed ten pounds, the sum of sixteen shillings;

Where such rackrent or value exceeds ten pounds and does not exceed fifteen pounds, the sum of twenty-four shillings;

Where such rackrent or value exceeds fifteen pounds and does not exceed twenty pounds, the sum of thirty-two shillings;

Where such rackrent or value exceeds twenty pounds and does not exceed twenty-five pounds, the sum of thirty-nine shillings;

Where such rackrent or value exceeds twenty-five pounds and does not exceed thirty pounds, the sum of forty-six shillings;

Where such rackrent or value exceeds thirty pounds and does not exceed thirty-five pounds, the sum of fifty-three shillings;

Where such rackrent or value exceeds thirty-five pounds, and does not exceed forty pounds, the sum of sixty shillings;

Where such rackrent or value exceeds forty pounds and does not exceed forty-five pounds, the sum of sixty-six shillings;

Where such rackrent or value exceeds forty-five pounds and does not exceed fifty pounds, the sum of seventy-two shillings;

Where such rackrent or value exceeds fifty pounds and does not exceed fifty-five pounds, the sum of seventy-eight shillings;

Where such rackrent or value exceeds fifty-five pounds and does not exceed sixty pounds, the sum of eighty-four shillings;

Where such rackrent or value exceeds sixty pounds and does not exceed sixty-five pounds, the sum of eighty-nine shillings;

Where such rackrent or value exceeds sixty-five pounds and does not exceed seventy pounds, the sum of ninety-four shillings;

Where such rackrent or value exceeds seventy pounds and does not exceed seventy-five pounds, the sum of ninety-nine shillings;

Where such rackrent or value exceeds seventy-five pounds and does not exceed eighty pounds, the sum of one hundred and four shillings;

Where such rackrent or value exceeds eighty pounds and does not exceed eighty-five pounds, the sum of one hundred and eight shillings;

Where such rackrent or value exceeds eighty-five pounds and does not exceed ninety pounds, the sum of one hundred and twelve shillings;

Where such rackrent or value exceeds ninety pounds and does not exceed ninety-five pounds, the sum of one hundred and sixteen shillings;

Where such rackrent or value exceeds ninety-five pounds and does not exceed one hundred pounds, the sum of one hundred and twenty shillings;

Where such rackrent or value exceeds one hundred pounds at a rate per centum not exceeding six pounds.

Rates for watercloset and baths.

15. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding twelve shillings and sixpence per annum, and such additional sums may be received with and as part of or recovered by the same means as the rate for the supply of water for domestic purposes: Provided always that for baths containing as usually filled for use a greater quantity of water than fifty gallons, the Undertakers may charge an increased rate in proportion to the size of such baths, but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain, when filled for use, more than fifty gallons of water.

Power for Undertakers to make regulations for preventing waste or contamination of water.

16. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient, and as may be approved by the Local Government Board for preventing the waste, misuse, or contamination of water, and, among other things, may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply.

Power for Undertakers to refuse to supply where regulations not complied with.

17. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference arises as to whether the regulations have been complied with, the difference may be referred by either party to and shall be settled by two justices.

Undertakers to supply water to road and sewer authorities.

18. The Undertakers shall from time to time when required supply the road authority within the meaning of section two of the Gas and Water Works Facilities Act, 1870, and every sewer authority within the limits of supply, with water for watering roads and streets and for flushing sewers and drains or other public purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such road or sewer authority, or as in case of disagreement shall be settled by two justices, but no such authority shall be entitled to such a supply whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order.

Water supplied by agreement.

19. The Undertakers may from time to time supply any corporation, local board, sanitary authority, company, or person within or without the limits of supply with water in bulk for other than domestic purposes for such remuneration, and upon such terms and conditions as may be agreed upon between the Undertakers and such corporation, local board, sanitary authority, company, or person, but notwithstanding any such agreement, no corporation, local board, sanitary authority, company, or person shall be entitled to such a supply for other than domestic purposes whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for

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domestic purposes under the provisions of this Order, and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing: Provided always that nothing herein contained shall authorise the Undertakers to lay down, or place any pipe or conduit, or to break up any road, or street, or execute any work in any district beyond the limits of supply without the consent in writing of the local authority and the road authority of such district, or to supply, or to continue to supply water within the limits of supply of any corporation, local board, sanitary authority, company, or person now or hereafter empowered by Act of Parliament, or by Provisional Order confirmed by Act of Parliament to supply water, without the consent in writing of such corporation, local board, sanitary authority, company, or person first had and obtained.

Supply of water by measure.

20. The Undertakers may if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter or other instrument for measuring water, provided by them at a rate per annum, not exceeding fifteen per centum of the price of such meter or other instrument, such rent to be paid quarterly, in advance, and to be recoverable in all respects with, and as the water rate.

Undertakers to keep meters, &c. in repair.

21. The Undertakers 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 Undertakers 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 meters, &c. to be evidence.

22. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, 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.

Amendment of 10 & 11 Vict. c. 17. s. 44.

23. Section forty-four of the Waterworks Clauses Act, 1847, shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner" were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several houses supplied by one pipe each to pay.

24. 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 Undertakers by a distinct pipe: Provided always, that the

Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

Supply of water to tenements in a row.

25. Where there are several tenements in a row 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 Undertakers to any other of such tenements unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring meters.

26. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any pipe, meter, or other instrument for measuring water or any fittings belonging to the Undertakers, or who fraudulently alters the index to any meter or other instrument for measuring water, or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, or commits any breach of any authorized regulation against waste or contamination of the water supplied by the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender), for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may, in addition thereto, recover the amount of any damage by them sustained, and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured, any pipe, meter instrument or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or other instrument for measuring water, or prevented the same from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers when such pipe, meter, instrument, or fittings is or are under the custody or control of the consumer, shall be primâ facie evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such pipe, meter, instrument, or fittings.

Misuser where supply to several houses is by a pipe common to all.

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

Miscellaneous.

Incoming tenant not liable to pay arrears.

28. In case any consumer of water supplied by the Undertakers leaves the premises where such water has been supplied to him without paying to

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them the water rate or rent due from him, the Undertakers 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 names in one summons.

29. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof, or in the schedule thereto, several names and several sums.

Warrant of distress to include costs.

30. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justice from acting.

31. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

8 Vict. c. 16. s. 140 incorporated.

32. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order, provided that for the purposes of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

33. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Denbigh.

DENBIGH WATER.

Order empowering the Denbigh Water Company to raise additional Capital.

Short title.

1. This Order may be cited as "The Denbigh Water Order, 1882."

Construction of Order.

2. The Denbigh Waterworks Act, 1863, (in this Order referred to as "the Act of 1863,") the Denbigh Water Order, 1873, (in this Order referred to as "the Order of 1873,") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Incorporation of Acts.

3. So far as the same relate to the powers conferred by this Order, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the several matters following; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions, and the means of enforcing payment of calls;

The forfeiture of shares for nonpayment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The consolidation of the shares into stock;
The general meetings of the Company, and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices; and
The provisions to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863; and the Companies Clauses Act, 1869, and the Waterworks Clauses Acts 1847 and 1863, are, except where expressly varied by this Order, incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

Undertakers.

4. The Denbigh Water Company, incorporated by the Act of 1863, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional capital.

5. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1863 and the Order of 1873 (in this Order referred to as "the original capital"), they may from time to time—

1. Raise any further sums, not exceeding in the whole two thousand pounds, by the issue of new ordinary or preference shares or stock (in this Order referred to as "the additional capital"), or wholly or partly by any one or more of those modes respectively, but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds, and not less than the full nominal amount of any such share or stock shall be payable or paid in respect thereof; and

2. Borrow on mortgage, in respect of the additional capital of two thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock, any sums not exceeding in the whole five hundred pounds; and the Undertakers may, as each sum of one thousand pounds of such additional capital has been issued and accepted, borrow on mortgage, in respect of each such sum of one thousand pounds, any sum or sums not exceeding in the whole two hundred and fifty pounds; but in no case shall any part of the said respective sums of two hundred and fifty pounds be borrowed until shares for so much of the additional capital in respect of which such borrowing powers are sought to be exercised, and as is to be raised by means of shares, are issued and accepted and one half of such capital is paid up, and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845,

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before he so certifies, that shares for the whole of the additional capital in respect of which such borrowing powers are sought to be exercised 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 additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the additional capital in respect of which such borrowing powers are sought to be exercised as is to be raised by means of stock is fully paid up, and the Undertakers have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up as herein-before provided bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, as regards so much of the additional capital as is raised by shares, 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 Undertakers, and of such other evidence as he may 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.

6. Except as herein-after provided the Undertakers shall not have power to raise the money by this Order 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 Order, unless in either case all dividends upon the shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

Shares not to be issued until one fifth part thereof paid up.

7. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.

Calls.

8. One fifth of the amount of a share issued under the authority of this Order shall be the greatest amount of a call, and three months at least shall be the interval between the 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 clause in case of person not sui juris.

9. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Votes of proprietors.

10. The proprietors of any shares or stock forming part of the additional capital raised under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had formed part of the original capital of the Undertakers; and the proprietors of such shares or stock shall, except as in this Order specially provided, be entitled to the same

dividends, and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the shares or stock forming part of the original capital of the Undertakers.

Power to create debenture stock.

11. Whereas the Undertakers were empowered by the Order of 1873 to create and issue debenture stock, and they have not, before the passing of the Act confirming this Order, created or issued any debenture stock, and it is expedient to make provision with respect to the creation and issue by the Undertakers of debenture stock, therefore the Undertakers 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 Undertakers under the Order of 1873, or this Order, or any subsequent Provisional Order, or Act of Parliament, shall, subject to the provisions of such subsequent Order or Act, rank pari passu (without respect to the dates of the securities, or of the Acts of Parliament, or Provisional Orders, or resolutions by which the debenture stock and mortgages were authorised), and shall have priority over all principal moneys secured by such mortgages.

Priority of existing mortgages.

12. All mortgages granted by the Undertakers under the authority of the Act of 1863 or the Order of 1873 shall have priority over all mortgages or debenture stock granted under the authority of this Order.

Limits of dividend on additional capital.

13. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital, or than six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on different classes of shares to be paid proportionately.

14. In case in any half-year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates of dividend on each class of ordinary shares or stock in the original capital and additional capital of the Undertakers, a proportionate deduction shall be made in the dividend of each class.

Limits of interest on moneys borrowed.

15. The Undertakers shall not, without the consent of the Board of Trade, pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Appointment of a receiver.

16. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and 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 tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

Application of money.

17. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Act of 1863, the Order of 1873, and this Order, to which capital is properly applicable.

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Costs of Order.

18. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Kenilworth.

KENILWORTH WATER.

Order authorising the Construction of Waterworks and the Supply of Water in the Town and Parish of Kenilworth, in the County of Warwick.

Short title.

1. This Order may be cited as "The Kenilworth Water Order, 1882."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking), and of the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order.

Interpretation.

3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings:

Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

In this Order—

The term "premises" shall mean and include any house, building, or land, in, to, or through which water is supplied under the authority of this Order:

The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

The expression "the Local Board" shall mean the Local Board for the district of Kenilworth.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the town and parish of Kenilworth, in the county of Warwick.

Undertakers.

Undertakers.

5. George Archibald Lundie, of Cardiff, Civil Engineer, and Thomas Floyd, of 3, Victoria Mansions, Westminster, Civil Engineer, and the survivor of them, and the executors or administrators of such survivor, their or his assigns, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

6. The capital of the Undertakers shall not for the purposes of their water undertaking authorised by this Order exceed twelve thousand pounds, unless any increase thereto be hereafter authorised for such purposes by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of borrowing powers.

7. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of their water undertaking authorised by this Order, shall not at any time exceed in the whole three thousand pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order, and secured as aforesaid.

Power to acquire lands.

8. The Undertakers may, by agreement, purchase and use such of the lands shown on the deposited plans as they may require for the purposes of their water undertaking authorised by this Order, and they may, by agreement, from time to time purchase and use any other lands, and any easements, rights, or privileges in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold for such purposes more than five acres of land.

Persons under disability may grant easements, &c. to Undertakers.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, 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, or to such easements, rights, or privileges as aforesaid.

Construction of Waterworks.

Power to construct waterworks and supply water.

10. The Undertakers may, on the lands shown on the deposited plans, when the same have been acquired by them, make and maintain, in the lines and according to the levels shown on the deposited plans and deposited sections, the works herein-after described, with all necessary approaches, fences, excavations, embankments, sluices, pipes, channels, tunnels, adits, levels, dams, weirs, outfalls, valves, wells, pumps, drains, filters, filter-beds, and other works, conveniences, and appliances connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works authorised by this Order are as follows:

1. A well and pumping station, with pumping engines, engine and boiler houses, and other buildings and works to be situate in and upon and near the west boundary of a field or piece of land now or late in the occupation of Joseph Roberts, butcher, and known as the "Common."
2. A water tower to be situate upon a piece of land in the occupation of Messieurs Robins and Powers on the west side of the road leading from Oddiborne Road or Lane, Kenilworth, to the high road between Kenilworth and Coventry, called "Tainter's Hill."

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3. A service reservoir to be situate upon a field in the occupation of William James, lying to the west of the said road called "Tainter's Hill," and immediately on the west side of the piece of land before described, occupied by the said Messrs. Robins and Powers.

4. A conduit commencing at a point situate at or about a distance of one hundred and fifteen yards measured in an easterly direction from the office door of Messieurs Robins and Powers' flour mill at Mill-End, and terminating in a field belonging or reputed to belong to Lord Clarendon, at a point thirty-two yards or thereabouts distant in a westerly direction from the south door of the Windmill Tower used as a steam flour mill, belonging or reputed to belong to Richard Robins.

5. A conduit or line of pipes for high-level service, commencing at the water tower herein-before referred to, thence passing on to the road called Oddiborne road or lane, at a point lying fifty-five yards or thereabouts westward of the junction of Tainter's Hill with Oddiborne road or lane.

6. A conduit or line of pipes for low-level service, commencing at the service reservoir herein-before described, thence passing on to the road called Tainter's Hill, at a point lying seventy-three yards or thereabouts north of the junction of the said road with Oddiborne road or lane.

All which said pumping station, reservoir, conduits, or lines of pipes and other works will be situated in the parish of Kenilworth, in the county of Warwick.

Limits of deviation.

11. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or seven feet downwards.

Period for completion of works.

12. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, deepen, and extend their engines, machinery, wells, pipes, filters, filter-beds, buildings, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Protection of London and North-western Railway Company.

13. In laying down or executing, or in effecting the repairs or renewals of any mains, pipes, or other works in the exercise of the powers contained in this Order upon, across, over, under, or in any way affecting the lands or property now or hereafter belonging to or used or occupied by the London and North-western Railway Company (in this section referred to as "the Railway Company") or the bridges, approaches, viaducts, stations, or other works, or any level crossings over the railways of 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 such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him, and by and at the expense of the Undertakers, who also shall

restore and make good the roads over any bridges, level crossings, and approaches which the Railway Company are or may be liable to maintain, and which may be disturbed or interfered with by or owing to any operations of the Undertakers, and all such works and operations, and all matters incidental thereto, 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 traffic over such railways, or at any station thereon, and if any such injury or interruption shall arise from or in any way be owing to any of the works, operations, and matters aforesaid, or the bursting, leakage, or failure of any such mains, pipes, or works, the Undertakers shall make compensation to the Railway Company in respect thereof, the amount of such compensation together with full costs to be recoverable by the Railway Company from the Undertakers by all and the same means as any simple contract debt is recoverable.

Provided always that in cases of emergency the Undertakers may commence such works as may be necessary for the maintenance or repair of any works of the Undertakers, and shall submit such plans and obtain the approval thereto of the principal engineer of the Railway Company, and otherwise comply with the provisions of this section as aforesaid as soon thereafter as practicable.

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

14. If any difference arise between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross, under the authority of this Order, 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 conduits or 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.

Supply.

Limits of pressure.

15. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or works authorised by this Order.

Rates for supply for domestic purposes.

16. The Undertakers shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one water-closet), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates herein-after specified; (that is to say,)

Where the net rateable value of the premises so supplied with water according to the valuation or assessment list from time to time in force does not exceed five pounds, at a rate not exceeding twopence per week:

Where such net rateable value is above five pounds and does not exceed ten pounds, at a rate not exceeding threepence per week:

Where such net rateable value is above ten pounds and does not exceed thirty pounds, at a rate per centum per annum not exceeding seven pounds:

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Where such net rateable value is above thirty pounds and does not exceed forty pounds, at a rate per centum per annum not exceeding six pounds:

Where such net rateable value is above forty pounds, at a rate per centum per annum not exceeding five pounds:

Provided that all inns and hotels, whether public or private, the net rateable value of which exceeds fifteen pounds, shall be liable to a yearly rate not exceeding seven pounds ten shillings per centum per annum on the amount of such value, whether the same exceeds forty pounds or not.

The net rateable value of any such premises as aforesaid shall be ascertained by the valuation list for the time being in force.

Rates for water-closets, &c.

17. The Undertakers may charge in respect of every water-closet beyond the first in any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding twelve shillings and sixpence per annum; and such additional sums may be received with and as part of or recovered by the same means as the rate for the supply of water for domestic purposes: Provided always, that for baths containing, as usually filled for use, a greater quantity of water than fifty gallons, the Undertakers may charge an increased rate in proportion to the size of such baths; but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain, when filled for use, more than fifty gallons of water.

Power for Undertakers to make regulations for preventing waste or contamination of water.

18. Subject to the provisions of this Order the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient, and as may be approved by the Board of Trade for preventing the waste, misuse, or contamination of water, and among other things may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply.

Power for Undertakers to refuse supply where regulations not complied with.

19. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with, and if and whenever any difference arises as to whether the regulations have been complied with, the difference may be referred by either party to, and shall be settled by, two justices.

Undertakers to supply water to Kenilworth Local Board.

20. The Undertakers shall, from time to time when required, supply the Local Board with water for watering roads and streets, and for flushing sewers and drains, and other public or sanitary purposes for a charge of thirty pounds for the year, so long as the total quantity of water supplied for all such purposes does not exceed one million seven hundred and fifty thousand gallons in any one year, and when the quantity so supplied in any one year exceeds that total quantity then the Local Board shall pay to the Undertakers in addition to the said charge of thirty pounds the sum of sixpence for every thousand gallons or fraction of a thousand gallons, by which the quantity supplied shall exceed one million seven hundred and fifty thousand gallons: Provided always that in the event of the Local Board exercising the power of purchase of the undertaking conferred upon them by this Order, the charge hereby prescribed for water supplied for public and sanitary purposes shall not be deemed to represent the full value of the water supplied by the Undertakers under this section.

Undertakers to fix hydrants.

21. The Undertakers shall, in constructing their works of distribution at their own expense fix not less than twenty-five hydrants in such positions as the Local Board may, by writing under the hand of their clerk, from time to time direct, and such hydrants shall be in substitution for the fire-plugs which the Undertakers are by section thirty-eight of the Waterworks Clauses Act 1847 required to provide, and subject to the provisions of this section, the provisions of sections thirty-eight to forty-three inclusive of that Act shall be read and have effect as if the words "hydrants" and "hydrant" had been therein respectively used instead of the words "fire plugs" and "fire plug." The Local Board shall have the free use of such of the said hydrants, not exceeding six in number, as they may from time to time by one month's notice in writing to the Undertakers specify for the purpose of obtaining water for watering roads and streets, and for flushing sewers and drains, and for all other public and sanitary purposes at the charges, and upon, and subject to the conditions mentioned in the last preceding section of this Order.

Water supplied by agreement.

22. The Undertakers may from time to time, supply any person, corporation, or company, with water for other than domestic purposes for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such person, corporation, or company, but notwithstanding any such agreement, no person, corporation, or company shall be entitled to such a supply whenever, and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Order, and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing.

Supply of water by measure.

23. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the price of such meter or instrument, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Undertakers to keep meters, &c. in repair.

24. The Undertakers 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 Undertakers 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 meters, &c. to be evidence.

25. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed, and in respect of which any water rate is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined upon the application of either party by two justices, 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.

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Amendment of 10 & 11 Vict. c. 17. s. 44.

26. Section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Order have effect as if the words "with the consent in "writing of the owner or reputed owner of any such house, or of the agent "of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several houses supplied by one pipe each to pay.

27. 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 Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

Supply of water to tenements in a row.

28. Where there are several tenements in a row 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 Undertakers to any other of such tenements unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring meters.

29. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any pipe, meter, or other instrument for measuring water, or any fittings belonging to the Undertakers, or who fraudulently alters the index to any meter or other instrument for measuring water, or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, or commits any breach of any authorised regulation against waste or contamination of the water supplied by the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may, in addition thereto, recover the amount of any damage by them sustained; and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured any pipe, meter, instrument, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or other instrument for measuring water, or prevented the same from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, instrument, or fittings is or are under the custody or control of the consumer, shall be primâ facie evidence that such

injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such pipe, meter, instrument, or fittings.

Misuser where supply to several houses is by a pipe common to all.

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

Miscellaneous.

Incoming tenant not liable to pay arrears.

31. In case any consumer of water supplied by the Undertakers leaves the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers 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 names in one summons.

32. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several names and several sums.

Warrant of distress to include costs.

33. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the cost of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money; and such costs shall be ascertained by such justice, and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices from acting.

34. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Power to the Local Board to purchase Undertaking.

35. If the Local Board desire to purchase the water undertaking of the Undertakers authorised by this Order, and of such intention give to the Undertakers twelve months notice in writing at any time before the expiration of five years from the passing of the Act confirming this Order, the Undertakers shall at the expiration of the said period of twelve months sell and transfer the said undertaking to the Local Board for such price as may be settled by agreement between the Undertakers and the Local Board, or as failing such agreement may be determined by arbitration in accordance with the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the settlement of questions of disputed compensation, and for the purposes of such arbitration the said provisions shall be deemed to be incorporated herewith, and in the construction of the said provisions the expressions "the Promoters of the undertaking" and "lands" shall be construed to mean respectively the Local Board and the water undertaking authorised by this Order, and from and after such sale of such undertaking to the Local Board all the property, real and personal, and all rights, powers, and authorities of the Undertakers in respect to such undertaking held, enjoyed, or exerciseable by the Undertakers under this Order shall, subject to all liabilities then affecting

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the same, be transferred to and vested in and may be enjoyed and exercised by the Local Board as though the same had been acquired and conferred upon the Local Board by this Order, and in reference to the same they shall be deemed to be the Undertakers.

Costs of Order.

36. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

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