CHAPTER lxv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brightlingsea Water, Corsham Water, Faversham Water, Harpenden Water, and Llandrindod Wells Water. [9th July 1889.]

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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, and 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, 1889.

Short title.

2. The several Orders set out in the schedule to this Act 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.

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, without the

Special provisions as to houses of

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labouring class.

consent of the Local Government Board, 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 purposes of this section the expression "labouring class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

SCHEDULE OF ORDERS.

Brightlingsea Water.—Order empowering the Brightlingsea Water Company, Limited, to maintain and continue waterworks and to supply water in the parish of Brightlingsea, in the county of Essex.

Corsham Water.—Order empowering the Corsham Waterworks Company (Limited) to construct and maintain waterworks, and to supply water in the parishes of Corsham Pewsham and Lacock all in the county of Wilts.

Faversham Water.—Order empowering the Faversham Water Company Limited to maintain and continue waterworks, and to supply water in the parishes of Faversham, Preston (including the Brents), Ospringe, Oare, Davington, and Goodnestone, all in the county of Kent.

Harpenden Water.—Order authorising the maintenance and continuance of waterworks and the supply of water in the parish of Harpenden in the county of Hertford.

Llandrindod Wells Water.—Order empowering the Llandrindod Wells Water Company to raise additional capital.

BRIGHTLINGSEA WATER.

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Brightlingsea Water.

Order empowering the Brightlingsea Water Company, Limited, to maintain and continue Waterworks and to supply Water in the parish of Brightlingsea, in the county of Essex.

Short title.

1. This Order may be cited as the Brightlingsea Water Order, 1889.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. 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 said Waterworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the commencement of this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Interpretation.

4. The several words, terms, and expressions to which by any Act wholly or partially 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, and in the construction of any such Act for the purposes of this Order the expression "superior court" or "court of competent jurisdiction" 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.

Limits of Order.

5. 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 parish of Brightlingsea, in the county of Essex.

Undertakers.

Undertakers

6. The Brightlingsea Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers shall not, for the purposes of the water undertaking, exceed five thousand pounds, consisting of the original share capital, already raised or authorised to be raised by the Undertakers, and in this Order referred to as the "original capital," amounting to three thousand pounds, and of additional share capital, in this Order referred to as the "additional capital," to be issued subject to the provisions of this Order, not exceeding two thousand

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pounds, including any premiums which may be obtained on the sale of any shares under the provisions of this Order, unless the Undertakers are hereafter authorised to raise, for such purposes, further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

New shares to be offered by auction or tender.

8. The Undertakers shall, when any shares forming part of the additional capital by this Order authorised are to be issued, and before offering the same to the holder of any other share or stock of the Undertakers, offer the same for sale by public auction or tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares, and that the reserve price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person, proprietor to be declared the purchaser.

9. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person, not being a proprietor, then, and in every such case, such proprietor shall be declared the purchaser of and to be entitled to such lot.

Purchase money of shares sold by auction to be paid within three months.

10. It shall be one of the conditions of every sale of shares under this Order, that the whole nominal amount of each share, together with any premium given by any purchaser at such sale in respect thereof, shall be paid to the Undertakers within three months after such sale.

As to notice to be given as to sale of shares.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply, and to the Secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided that any share so offered, and not accepted within the time prescribed by such resolution, shall again be offered for sale by public auction or tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the said additional capital.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers, or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares.

14. The Undertakers shall not, in any year, declare or make out of their profits any larger dividends on the original and additional capital than ten pounds in respect of every one hundred pounds actually paid up of such original capital, and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up, of so much of such additional capital as may be issued as preference capital.

Limits of dividend on capital.

15. In case in any year or in any half year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares in the original and additional capital of the Undertakers, a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of shares or stock to be paid proportionately.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking, shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock, including any premiums that may be obtained on the sale of any shares under the provisions of this Order, 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 commencement of this Order and secured as aforesaid.

Borrowing powers.

Lands.

17. The Undertakers may by agreement from time to time purchase and hold any lands and any easements, rights, or privileges in, over, or affecting any lands which they may require for the purposes of the water undertaking. Provided that they shall not at any time hold for such purposes more than three acres of land in addition to the lands held by them at the commencement of this Order.

Power to acquire lands.

18. 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.

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

Maintenance of Waterworks.

19. 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, renew, and improve their existing waterworks

Power to maintain works.

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herein-after described, and the works connected therewith, with all needful goits, conduits or pipes, channels, sluices, pens, pumps, 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:—

The reservoir, pipes, and works on the land belonging or reputed to belong to the company and situate on the north side of Well Street and west side of Park Road, in the parish of Brightlingsea, in the county of Essex.

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

20. If any difference arise between the Undertakers and any railway 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 or other competent person to be appointed by the Board of Trade at the request of either party.

Supply.

Limits of pressure.

21. 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 authorised to be maintained by this Order.

Rates for supply for domestic purposes.

22. 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 per annum herein-after specified (that is to say)—

Where the rateable value of the premises so supplied with water does not exceed ten pounds, the rate of seven pounds and ten shillings per centum upon such rateable value.

Where such rateable value exceeds ten pounds, but does not exceed thirty pounds, the rate of seven pounds per centum upon such rateable value.

Where such rateable value exceeds thirty pounds, but does not exceed forty pounds, the rate of six pounds and ten shillings per centum upon such rateable value.

Where such rateable value exceeds forty pounds, the rate of five pounds and fifteen shillings per centum upon such rateable value.

And so in proportion for any shorter period than a year.

Provided that the Undertakers shall not be compellable to furnish any such supply for any less rate than twopence per week, and that the Undertakers shall in no case be entitled to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues.

Rates for waterclosets, &c.

23. The Undertakers may charge in respect of every watercloset beyond the first on any premises within the limits of supply an additional sum not exceeding five shillings per annum, and for every fixed bath capable of containing not more than fifty gallons an additional sum not exceeding ten shillings per annum, and for every fixed bath capable of containing more than fifty gallons such additional sum as the Undertakers may think fit, such additional sums to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

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

24. 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 size, nature, and strength of the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply. Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford, and do in fact afford, or are prepared on demand to afford, a constant supply.

Publication regulations.

25. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers, which copy shall be open to the inspection of all persons at all reasonable times without payment, and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

26. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board as aforesaid shall be primâ facie evidence in all legal proceedings of the due making, confirmation, publication, and existence of such regulations without further or other proof.

Power for Undertakers to repair or alter pipes, &c. where regulations not complied with.

27. In case of failure of any person to observe any of such regulations as are for the time being in force, the Undertakers may, if they think fit, after forty-eight hours' notice in writing, enter, and by and under the direction of their duly authorised officer, repair, replace, or alter any pipe, cock, cistern, or other apparatus, fittings, or appliances belonging to or used by such person for the purposes of supply, and not being in accordance with the requirements of such regulations; and the expense of every such repair, replacement, or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied, and may be recovered by them summarily.

Water supplied by agreement.

28. The Undertakers may from time to time by agreement supply any body 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 from time to time be agreed upon between the Undertakers and such body or person; but, notwithstanding any such agreement, no body or person 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; and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing. Provided that nothing herein contained

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shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit, or the breaking up of any road or street, or the execution of any work beyond the limits of supply, or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act, 1875, or any similar provision.

Supply of water by measure.

29. The Undertakers may if they think fit enter into agreements for the supply of water by measure within the limits of supply to any person, 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 cost 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.

30. 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 person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such term 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 meter, &c. to be evidence.

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

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

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

Where several houses supplied by one pipe, each to pay.

33. Where 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 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.

Supply of water to tenements in a row.

34. Where there are several tenements in a row no tenant or occupier of any one of the tenements or any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless such tenant or occupier is in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

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Injuring meters, &c.

35. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or other instrument used 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 regulations 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 when supply to several houses is by a pipe common to all.

36. 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.

37. In case any person supplied with water 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.

38. 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.

39. 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

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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, &c. from acting.

40. 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.

41. Section 140 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.

42. 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.

Corsham Water.

CORSHAM WATER.

Order empowering the Corsham Waterworks Company (Limited) to construct and maintain Waterworks and to supply Water in the parishes of Corsham Pewsham and Lacock all in the county of Wilts.

Short title.

1. This Order may be cited as the Corsham Water Order 1889.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as the "commencement of this Order."

Incorporation of Acts.

3. 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.

4. In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order and the several words terms and expressions to which by any Act wholly or partially incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings. Provided 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.

Limits of Order.

5. 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 Corsham Pewsham and Lacock all in the county of Wilts.

6. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in the district included within the limits of supply or some part of such district the local authority having jurisdiction within the said limits may exercise their powers under the Public Health Act 1875 in relation to the supply of water or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such district or such part thereof in either case as if such district or such part thereof had not been included within the said limits of supply.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Undertakers.

7. The Corsham Waterworks Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

8. The share capital of the Undertakers shall not for the purposes of the water undertaking exceed four 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.

Capital.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking shall not at any time exceed in the whole one fourth of the nominal value of their paid up capital for the time being 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 commencement of this Order and secured as aforesaid.

Limit of borrowing powers.

Lands.

10. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking 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 that they shall not at any time hold for such purposes more than three acres of land in the whole.

Power to acquire lands.

11. 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.

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

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Corsham Water.

Persons under disability may grant easements in consideration of rentcharge &c.

12. Persons empowered by the Settled Land Act 1882 to sell any part of the land shown on the deposited plans or any easement right or privilege in over or in relation to the same may if they think fit grant or lease to the Undertakers either in fee or for a term of years of any length any such land or any such easement right or privilege in over or in relation to the same in consideration of such rent or rentcharge as may be agreed upon to be paid by the Undertakers either in perpetuity or during the continuance of such grant or lease.

Construction of Waterworks.

Power to construct waterworks and supply water.

13. The Undertakers may on the lands shown on the deposited plans so long as they are possessed of the said lands or so long as they may be entitled to do so under any agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works hereinafter described with all necessary pipes mains culverts wells dams sluices engines filtering beds approaches embankments roads and all other works and conveniences 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 county of Wilts and are :—

(1.) A receiving tank (Tank No. 1) to be situate in the south-east corner of a piece of woodland called Ash Grove, situate in the parish of Pewsham belonging or reputed to belong to and in the occupation of the Marquis of Lansdowne.

(2.) A receiving tank (Tank No. 2) to be situate at a point forming the junction of three fields called respectively Aldermoor Harris' Close and Quarry Ground being part of Ash Hill Farm in the parish of Pewsham aforesaid belonging or reputed to belong to the Marquis of Lansdowne and in the occupation of William Chivers.

(3.) A receiving tank (Tank No. 3) to be situate on the western side of the said field called Quarry Ground in the said parish of Pewsham.

(4.) A receiving tank (Tank No. 4) to be situate about thirty yards in a southerly direction from a farmhouse called Loxwell in the said parish of Pewsham on lands belonging or reputed to belong to the Marquis of Lansdowne and in the occupation of Richard Rich.

(5.) A receiving tank (Tank No. 5) to be situate in the southern corner of a piece of woodland called Tacklemore Wood in the parish of Pewsham aforesaid belonging or reputed to belong to and in the occupation of Charles Henry Talbot.

(6.) A receiving tank (Tank No. 6) to be situate on the southern side of Tacklemore Wood in the parish of Pewsham at a point distant about $8\frac{1}{2}$ chains in a westerly direction from the eastern corner of the said Tacklemore Wood.

(7.) A conduit or line of pipes (Conduit No. 1) commencing at the said receiving tank No. 1 in Ash Grove aforesaid in the parish of Pewsham communicating with the said receiving tank No. 2 and terminating in High Street Corsham, at the junction of Bences Lane with the said High Street in the parish of Corsham.

(8.) A conduit or line of pipes (Conduit No. 2) wholly in the parish of Pewsham commencing at the said receiving tank No. 3 and terminating at

and joining with the said conduit No. 1 in the northern corner of the said field called Quarry Ground.

(9.) A conduit or line of pipes (Conduit No. 3) wholly in the parish of Pewsham commencing at the said receiving tank No. 4 and terminating at and joining with the said conduit No. 1 on the western side of a field called Hannah's Ground belonging or reputed to belong to the Marquis of Lansdowne and in the occupation of John Deane.

(10.) A conduit or line of pipes (Conduit No. 4) wholly in the parish of Pewsham commencing at the said receiving tank No. 5 and terminating at and joining with the said conduit No. 1 in or near the south-western corner of a field called Plumtree Mead belonging or reputed to belong to the Marquis of Lansdowne and in the occupation of the said John Deane.

(11.) A conduit or line of pipes (Conduit No. 5) wholly in the parish of Pewsham commencing at the said receiving tank No. 6 and terminating at and joining with the said conduit No. 4 at a point in the said Tacklemore Wood distant about 4 chains in a northerly direction from the southern corner of the said Tacklemore Wood.

Limits of deviation.

14. 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 but in no case beyond the width of any road 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.

15. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870: Provided that subject to the restrictions and provisions of this Order the Undertakers may 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.

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

16. If any difference arise 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 purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Supply.

Limits of pressure.

17. 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 receiving tanks authorised by this Order.

Rates for supply for domestic purposes.

18. 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

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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 rateable value of the premises so supplied with water does not exceed five pounds the rate of twopence per week.

Where such rateable value exceeds five pounds and does not exceed ten pounds the rate of eight pounds per centum per annum upon such rateable value.

Where such rateable value exceeds ten pounds and does not exceed twenty pounds the rate of seven pounds ten shillings per centum per annum upon such rateable value.

Where such rateable value exceeds twenty pounds and does not exceed forty pounds the rate of seven pounds per centum per annum upon such rateable value.

Where such rateable value exceeds forty pounds the rate of six pounds ten shillings per centum per annum upon such rateable value.

And so in proportion for any longer or shorter period than a year.

Provided that the Undertakers shall not be compellable to furnish any such supply for any less sum than eight shillings and eightpence in any one year and that the Undertakers shall in no case be entitled to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues.

Rates for waterclosets and baths.

19. The Undertakers may charge in respect of every watercloset beyond the first on any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons an additional sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such additional sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

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

20. 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 size nature and strength of the pipes cocks cisterns and other apparatus proper and suitable for the purposes of supply: Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

Publication of regulations.

21. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers which copy shall be open to the inspection of all persons at all reasonable times without payment and the Undertakers shall also furnish a printed copy of all such regulations to

every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

22. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board as aforesaid shall be primâ facie evidence in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

Power for Undertakers to repair or alter pipes &c. where regulations not complied with.

23. In case of failure of any person to observe any of such regulations as are for the time being in force the Undertakers may if they think fit after 48 hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe cock cistern or other apparatus fittings or appliances belonging to or used by such person for the purposes of supply and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.

Power to supply water in bulk within or without limits of supply.

24. The Undertakers may from time to time by agreement supply any body 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 from time to time be agreed upon between the Undertakers and such body or person but notwithstanding any such agreement no body or person shall be entitled to a supply of water under any such agreement 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 by virtue of this Order be determinable by the Undertakers on one month's notice in writing: Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Supply of water by measure.

25. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person within the limits of supply 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 cost 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.

26. 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 person in proper order for correctly registering the supply of water and in default of their so doing such person 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.

27. 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

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

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

28. 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 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.

29. 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 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.

Supply of water to tenements in a row.

30. 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 such 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, &c.

31. 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 regulations 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.

32. 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.

33. In case any person supplied with water by the Undertakers leave 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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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FAVERSHAM WATER.

Order empowering the Faversham Water Company Limited to maintain and continue Waterworks, and to supply Water in the parishes of Faversham, Preston (including the Brents), Ospringe, Oare, Davington, and Goodnestone, all in the county of Kent.

Short title.

1. This Order may be cited as the Faversham Water Order, 1889.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. 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, and the said provisions of the said Waterworks Clauses Acts shall apply as well to the mains, pipes and works of the Undertakers laid down or constructed before the commencement of this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

4. The several words, terms and expressions to which, by any Act wholly or partially 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 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 a demand created by statute.

Limits of Order.

5. 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 so much of the parishes of Faversham, Preston (including the Brents), Ospringe, Oare, Davington, and Goodnestone, all in the county of Kent, as lies within a distance of one mile and a half from the Town Hall of the borough of Faversham in the said county.

Undertakers.

Undertakers.

6. The Faversham Water Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers for the purposes of the water undertaking shall not exceed eighteen thousand pounds, consisting of the share

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capital already raised by the Undertakers amounting to twelve thousand pounds, in this Order referred to as the "original capital," and of additional share capital in this Order referred to as the "additional capital," to be issued subject to the provisions of this Order, not exceeding six thousand pounds, including any premiums that may be obtained on the sale of any shares under the provisions of this Order, unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

New shares to be offered by auction or tender.

8. The Undertakers shall, when any shares forming part of the additional capital by this Order authorised are to be issued, and before offering the same to the holder of any other share or stock of the Undertakers, offer the same for sale by public auction or tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares, and that the reserve price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person, proprietor to be declared the purchaser.

9. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender, under the provisions of this Order, is equal to the highest amount bidden or tendered for the same lot by any person, not being a proprietor, then, and in every such case, such proprietor shall be declared the purchaser of and entitled to such lot.

Purchase money of shares sold by auction to be paid within three months.

10. It shall be one of the conditions of every sale of shares under this Order, that the whole nominal amount of each share, together with any premium given by any purchaser at such sale in respect thereof, shall be paid to the Undertakers within three months after such sale.

As to notice to be given as to sale of shares.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers, in writing, to the clerk of every local authority having jurisdiction within the limits of supply, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be; and notice of such intention shall be duly advertised by the Undertakers, once in each of two consecutive weeks, in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or by tender under the provisions of this Order and not sold, the same shall be offered at the reserve price put upon the same respectively for the purpose of sale, by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided that any share so offered, and not accepted within the time prescribed by such resolution, shall again be offered for sale by public

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auction or tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital.

Application of premium arising on issue of shares.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers, or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

14. The Undertakers shall not, in any year, declare or make out of their profits any larger dividends on the original and additional capital than ten pounds in respect of every one hundred pounds actually paid up of such original capital, and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

Prescribed rates to be paid proportionately.

15. In case, in any year or in any half year when a half-yearly dividend is declared, the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares in the original and additional capital of the Undertakers, a proportionate reduction shall be made in the dividends payable on each class.

Borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking, shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock, including any premiums that may be obtained on the sale of any shares under the provisions of this Order, 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 commencement of this Order, and secured as aforesaid.

Lands.

Power to acquire land.

17. The Undertakers may by agreement from time to time purchase and hold any lands and any easements, rights or privileges in, over or affecting any lands which they may require for the purposes of the water undertaking: Provided that they shall not at any time hold for such purposes more than three acres of land in addition to the lands held by them at the commencement of this Order.

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

18. 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.

19. 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, renew and improve their existing waterworks, herein-after 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 situate wholly in the county of Kent, and are as follows :—

(*a.*) Three well shafts or borings, with pumping-station, pumping-engines, wind power, and engine and boiler-house, and other works, buildings and conveniences in connexion therewith, situate at Copton, in the parish of Preston.

(*b.*) Two service reservoirs at Copton aforesaid.

(*c.*) A conduit or line of pipes, commencing at Copton aforesaid and terminating in the town and parish of Faversham and the parishes of Faversham, Preston, Davington and Ospringe.

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

20. If any difference arise 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.

Limits of pressure.

21. 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 reservoirs authorised to be maintained by this Order.

Rates for supply for domestic purposes.

22. 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 rateable value of the premises so supplied with water does not exceed seven pounds, the rate of twopence per week.

Where such rateable value exceeds seven pounds and does not exceed twenty pounds, the rate of eight pounds per centum per annum upon such rateable value.

Where such rateable value exceeds twenty pounds and does not exceed forty pounds, the rate of seven pounds ten shillings per centum per annum upon such rateable value.

Where such rateable value exceeds forty pounds and does not exceed sixty pounds, the rate of six pounds ten shillings per centum per annum upon such rateable value.

Where such rateable value exceeds sixty pounds, the rate of six pounds per centum per annum upon such rateable value.

And so in proportion for any longer or shorter period than a year.

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Provided that the Undertakers shall not be compellable to furnish any such supply for any less sum than eight shillings and eightpence in any one year, and that the Undertakers shall in no case be entitled to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale.

The rateable value of any such premises, as aforesaid, shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues.

Rates for watercloseta, &c.

23. The Undertakers may charge, in respect of every watercloset beyond the first on any premises within the limits of supply, an additional sum not exceeding five shillings per annum, and for every bath capable of containing not more than fifty gallons an additional sum not exceeding ten shillings per annum, and for every bath capable of containing more than fifty gallons such additional sum as the Undertakers may think fit; such additional sums to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

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

24. 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 size, nature and strength of the pipes, cocks, cisterns and other apparatus proper and suitable for the purposes of supply: Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford, and do in fact afford or are prepared on demand to afford, a constant supply.

Publication of regulations.

25. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers, which copy shall be open to the inspection of all persons at all reasonable times without payment, and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

26. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board, as aforesaid, shall be primâ facie evidence in all legal proceedings of the due making, confirmation, publication and existence of such regulations, without further or other proof.

Power for Undertakers to repair or alter pipes, &c. where regulations not complied with.

27. In case of failure of any person to observe any of such regulations as are for the time being in force, the Undertakers may, if they think fit, after forty-eight hours notice in writing, enter, and by and under the direction of their duly authorised officer, repair, replace, or alter any pipe, cock, cistern or other apparatus, fittings or appliances belonging to or used by such person for the purposes of supply, and not being in accordance with the requirements of such regulations; and the expense of every such repair, replacement or alteration, shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.

Water supplied by agreement.

28. The Undertakers may from time to time, by agreement, supply any body 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 from time to time be agreed upon between the Undertakers and such body or person; but notwithstanding any such agreement, no body 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: Provided that nothing herein contained shall be construed as conferring any power on the Undertakers in relation to the laying down or placing of any pipe or conduit, or the breaking up of any road or street, or the execution of any work beyond the limits of supply, or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section fifty-two of the Public Health Act, 1875, or any similar provision.

Supply of water by measure.

29. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure, within the limits of supply, to any person, 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 cost 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: Provided that, notwithstanding anything in this section contained, the Undertakers shall not be entitled to charge for water supplied by them by measure at a higher rate than one shilling and sixpence per one thousand gallons.

Undertakers to keep meters, &c. in repair.

30. 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 person, in proper order, for correctly registering the supply of water, and in default of their so doing, such person 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.

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

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

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

33. 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

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Faversham Water.

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 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.

Supply of water to tenements in a row.

34. 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 such tenement, unless such 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, &c.

35. 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.

36. 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.

37. In case any person supplied with water by the Undertakers leave 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.

38. 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.

39. 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.

40. 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.

41. Section 140 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

42. 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.

HARPENDEN WATER.

Harpenden Water.

Order authorising the maintenance and continuance of Waterworks and the supply of Water in the parish of Harpenden in the county of Hertford.

Short title.

1. This Order may be cited as the Harpenden Water Order 1889.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as the "commencement of this Order."

Incorporation of Acts.

3. 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, and the said provisions of the said Waterworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

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Harpenden Water.

Interpretation.

4. In this Order the expression "deposited plans" shall mean the maps or plans deposited for the purposes of this Order: the expression "the undertaking" shall mean the waterworks and the works connected therewith by this Order authorised to be maintained and continued and the several words terms and expressions to which by any Act wholly or partially 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 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.

Limits of Order.

5. 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 parish of Harpenden in the county of Hertford.

Undertakers.

Undertakers.

6. John Robert Brown of Harpenden in the county of Hertford and Edward Anthony Cumberland and Hugh Cumberland both of Luton in the county of Bedford and the survivor of them and the executors or administrators of such survivor shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if the undertaking is at any time assigned to any other body company or person such body company or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the said undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Capital.

Capital.

7. The capital of the Undertakers shall not for the purposes of the undertaking exceed nine thousand pounds consisting of the original capital of four thousand four hundred and seventy pounds already expended upon the undertaking and of additional capital to be issued subject to the provisions of this Order not exceeding four thousand five hundred and thirty 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.

Limits of dividend on capital.

8. The Undertakers shall not in any year make out of their profits any larger dividend on the said original and additional capital than ten pounds in respect of every one hundred pounds of such original capital and six pounds in respect of every one hundred pounds of such additional capital as is actually paid up Provided that if and so long as the undertaking is carried on by an individual or individuals as Undertakers and not by a duly constituted company in the con-

struction of this section the expression "actually paid up" shall be deemed to mean actually expended on or actually being used for the purposes of the undertaking.

Limit of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole two thousand two hundred and fifty 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 commencement of this Order and secured as aforesaid.

Water undertaking to be personal property.

10. The undertaking and any share thereof shall be personal estate and transmissible as such and shall not be considered to be of the nature of or be treated as real estate.

Lands.

Power to acquire lands.

11. The Undertakers may by agreement from time to time purchase or take on lease and hold any lands and any easements rights or privileges in over or affecting any lands which they may require for the purposes of the undertaking Provided that they shall not at any time hold for such purposes more than three acres of land in the whole including the lands held by them at the commencement of this Order.

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

12. 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.

Works.

Power to maintain works.

13. The Undertakers may on the lands shown on the deposited plans so long as they are possessed of the said lands maintain continue alter enlarge renew and improve their existing waterworks herein-after described and the works connected therewith with all necessary approaches fences embankments excavations mains pipes tanks sluices culverts dams weirs outfalls valves wells pumps 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 herein-before referred to are situate in the parish of Harpenden in the county of Hertford and are as follows :—

(1.) Wells pumping station and two workmen's cottages situate on land in the said parish of Harpenden belonging or reputed to belong to and occupied by the Undertakers and numbered 405 in the said parish on the $\frac{1}{2500}$ Ordnance map.

(2.) Two service reservoirs situate near to and adjoining the said wells and pumping station.

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(3.) A conduit or line of pipes commencing in the service reservoirs lastly before described passing thence down Shakespeare Road and along part of Milton Road and Carlton Road thence over the Midland Railway bridge in Sun Lane and along Tennyson Road and part of Townsend Road and Byron Road to Fallows Green Lane thence over the railway bridge and terminating in Ox Lane. Also a line of pipes commencing in the service reservoirs aforesaid passing thence along Cowper Road and part of Strakers Lane and along the High Street and terminating at a point near Harpenden Lodge also a branch line of pipes passing from the last-mentioned line of pipes up the lane opposite Harpenden Lodge also a line of pipes from the Railway Hotel to the Yew Tree Farm thence passing in a southerly direction along the edge of Harpenden Common and terminating at a point near Pimlico Place.

For the protection of Great Northern and Midland Railway Companies.

14. The following provisions for the protection of the Great Northern Railway Company and the Midland Railway Company (in this section referred to as "the railway companies") shall be in force and have effect and be binding upon the Undertakers :

(1.) In laying down altering or improving and in executing or effecting the repairs and renewals of any mains pipes conduits or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway companies or the bridges approaches viaducts stations or other works or any level crossing of the railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the railway company affected and only according to plans submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Undertakers who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway companies 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 matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon. And if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Undertakers shall make compensation in respect thereof to the railway companies the amount of such compensation together with full costs to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable. Provided that if the engineer of the railway company affected does not express his approval or disapproval of the said plans within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof.

(2.) If and whenever the railway companies require to alter or repair any such bridge viaduct approach or other work the Undertakers shall at their own cost in all things and upon being so required by the railway companies in writing shore up or support their mains pipes conduits or other works which

may be interfered with during such alteration or repairs and in default for the space of forty-eight hours of their so doing the railway companies may do so at the cost in all things and risk of the Undertakers Provided that in case of emergency (of which the engineer of the railway company affected shall be the sole judge) the railway companies may without notice to the Undertakers and without being liable to pay them compensation in respect thereof divert support or carry the said mains pipes conduits and works across over or under their lands railways bridges or other works at any other point or otherwise deal therewith in as convenient a manner as circumstances will admit of and doing as little damage as may be.

(3.) The Undertakers shall acquire such an easement only in and upon the Great Northern Railway and Midland Railway and in and upon any railway land bridge approaches or other property of the railway companies as may be necessary for constructing and maintaining the mains pipes conduits and other works by this Order authorised and the amount to be paid for the acquisition of such easement shall in case of difference be settled by arbitration in the manner provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation with respect to the purchase and taking of lands otherwise than by agreement.

(4.) If any difference arise between the Undertakers and the railway companies with reference to the provisions of this section or any compensation to be paid or anything to be done or not to be done thereunder such difference except where otherwise expressly provided shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Undertakers and the railway companies or either of them and the costs of and incident to the arbitration shall be in the discretion of the arbitrator.

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

15. If any difference arises between the Undertakers and any railway or other company other than the Great Northern and Midland Railway Companies 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 such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Supply.

Limits of pressure.

16. 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 reservoirs or works authorised by this Order.

Rates for supply of water for domestic purposes.

17. 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 rateable value of the premises so supplied with water does not exceed seven pounds the rate of twopence per week.

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Where such rateable value exceeds seven pounds and does not exceed twenty pounds the rate of seven pounds ten shillings per centum per annum upon such rateable value.

Where such rateable value exceeds twenty pounds and does not exceed forty pounds the rate of seven pounds per centum per annum upon such rateable value.

Where such rateable value exceeds forty pounds and does not exceed sixty pounds the rate of six pounds per centum per annum upon such rateable value.

Where such rateable value exceeds sixty pounds the rate of five pounds per centum per annum upon such rateable value.

And so in proportion for any longer or shorter period than a year.

Provided that in the case of any inn or hotel whether public or private so supplied with water the rateable value of which exceeds fifteen pounds the Undertakers shall be entitled to demand and take in respect of such supply at a rate not exceeding the rate of seven pounds ten shillings per centum per annum upon such value Provided also that the Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than eight shillings and eightpence in any one year and that the Undertakers shall not be entitled in any case to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues.

Rates for waterclosets, &c.

The Undertakers may charge in respect of every watercloset beyond the first on any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons an additional sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such additional sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

Regulations for preventing waste 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 size nature and strength of the pipes cocks cisterns and other apparatus proper and suitable for the purposes of supply Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

Publication of regulations.

19. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers which copy shall be open to the inspection of all persons at all reasonable times without payment and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

20. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board as aforesaid shall be primâ facie evidence in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

Evidence of regulations.

21. In case of failure of any person to observe any of such regulations as are for the time being in force the Undertakers may if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe cock cistern or other apparatus fittings or appliances belonging to or used by such person for the purposes of supply and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.

Power for Undertakers to repair or alter pipes &c. where regulations not complied with.

22. The Undertakers may from time to time by agreement supply any body 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 from time to time be agreed upon between the Undertakers and such body or person but notwithstanding any such agreement no body or person shall be entitled to a supply of water under any such agreement 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 and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Power to supply water in bulk within or without limits of supply.

23. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person within the limits of supply 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 cost 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.

Supply of water by measure.

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 person in proper order for correctly registering the supply of water and in default of their doing so such person 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.

Undertakers to keep meters &c. in repair.

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 that if the Undertakers and the

Register of meters, &c. to be evidence.

A.D. 1889.

Harpenden Water.

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

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

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

Where 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 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.

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 such 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, &c.

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 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 or 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 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 leave 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 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, &c. 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.

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

35. Section 140 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.

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.

LLANDRINDOD WELLS WATER.

Llandrindod Wells Water.

Order empowering the Llandrindod Wells Water Company to raise additional Capital.

Short title.

1. This Order may be cited as the Llandrindod Wells Water Order 1889.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as the "commencement of this Order."

A.D. 1889.

Llandrindod Wells Water.

Construction of Order.

3. The Llandrindod Wells Water Act 1884, (in this Order referred to as "the Act of 1884") 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.

4. 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 the 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 conversion of the borrowed money into capital;

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 provision to be made for affording access to the special Act by all parties interested;

And Part I. (relating to cancellation and surrender of shares), 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, 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 mean this Order, and the term "the Company" shall mean the Undertakers.

Undertakers.

5. The Llandrindod Wells Water Company incorporated by the Act of 1884 shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional capital.

6. In addition to the capital authorised to be raised by the Undertakers under the Act of 1884 (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 one thousand pounds by the issue of new ordinary shares or stock, or new preference shares or stock, or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the additional capital"), but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds, nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same, unless and until the full nominal amount of such share or stock, together with any premium obtained on the sale thereof, as herein-after provided, has been paid in respect thereof: Provided that it shall not be lawful for the Under-

takers to create and issue, under the powers of this Order, any greater nominal amount of capital than will be sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of one thousand pounds; and

(2.) Borrow on mortgage any sum or sums not exceeding in the whole five hundred pounds, but no part thereof shall be borrowed until the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845, before he so certifies, that the whole of the capital by this Order authorised to be raised has been subscribed for and one half of the amount payable in respect thereof has been paid up; and upon production to such justice of the books of the Undertakers, and 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.

7. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage, or by the issue of debenture stock, 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 such shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

Receipt in case of persons not sui juris.

8. 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.

Except as otherwise provided new shares to be subject to the same incidents as other shares.

9. Except as by this Order otherwise provided, the additional capital created by the Undertakers under this Order, and the new shares or stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents whatsoever, in all respects as if that additional capital were part of the original capital of the Undertakers of the same class or description, and the new shares or stock were shares or stock in that capital.

New shares or stock to be offered by auction or tender.

10. The Undertakers shall, when any shares or stock created under the powers of this Order are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not, offer the same for sale by public auction or tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock, and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof, and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade, not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

A.D. 1889.

Llandrindod Wells Water.

When proprietor tenders same amount as any other person, proprietor to be declared the purchaser.

11. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers, for any share or stock offered for sale by auction or tender under the provisions of this Order, is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor, then and in every such case such proprietor shall be declared to be the purchaser of, and entitled to such share or stock.

Purchase money of capital sold by auction to be paid within three months.

12. It shall be one of the conditions of any sale of shares or stock under this Order, that the whole nominal amount thereof, together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

As to notice to be given as to sale, &c. of shares and stock.

13. The intention to sell any shares or stock by auction or tender under the provisions of this Order, shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction, or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock not sold by auction or by tender, to be offered to shareholders.

14. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold, the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers, in the manner provided by the Companies Clauses Act, 1863: Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act, shall again be offered for sale by public auction or tender, in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order.

Application of premium arising on sale of shares or stock.

15. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on additional capital.

16. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital 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.

Dividends on different classes of shares or stocks to be paid rateably.

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

Debenture stock.

18. 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 or in any Act previous to this Order contained, the interest

of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued, or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall, subject to the provisions of any subsequent Act or Order, rank pari passu (without respect to the dates of the securities or of the Acts of Parliament, Orders or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal money secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

19. All mortgages granted by the Undertakers under the authority of the Act of 1884 before the commencement of this Order, and subsisting at the date of such commencement, shall, during the continuance of such mortgages, and subject to the provisions of the said Act, have priority over all mortgages granted under the authority of this Order, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers, and notwithstanding anything in the said Act contained, all debenture stock at any time created and issued by the Undertakers after the commencement of this Order, whether under the said Act or this Order, shall rank pari passu.

Limit of interest on moneys borrowed.

20. 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.

21. Section fourteen of the Act of 1884 (for appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order, but without prejudice to any appointment theretofore made or any proceedings then pending; and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or of principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

Application of money.

22. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1884 and this Order to which capital is properly applicable.

Costs of Order.

23. 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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