CHAPTER cxlvii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Corsham Water, North Sussex Water, Rochford Rayleigh and Leigh Water, and Swaffham Water. [21st July 1891.]

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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:

And whereas the limits of supply as defined by the Rochford Rayleigh and Leigh Water Order, 1891, hereby confirmed, include a portion of the area within which the Southend Waterworks Company were by the Southend Waterworks Act, 1879, authorised to supply water, but the said Company have not in fact supplied water within the portion aforesaid, and it has been agreed between the said Company and the Undertakers, for the purposes of the said Order, that the said Undertakers shall be authorised by the said Order to supply water therein, and that so much of the said Act as authorises the said Company to supply water therein shall be repealed: 42 & 43 Vict. c. cxx.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

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Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Water Orders Confirmation Act, 1891.

Confirmation of Orders in schedule.

2. The several Orders as amended and 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.

Special provision as to houses of labouring class.

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

Partial repeal of 42 & 43 Vict. c. cxx.

4. So much of the Southend Waterworks Act, 1879, as authorises the Southend Waterworks Company to supply water within any parishes or parts of parishes in the county of Essex which are included within the limits of supply as defined by the Rochford Rayleigh and Leigh Water Order, 1891, hereby confirmed, is hereby repealed, and from and after the passing of this Act all the powers of the Southend Waterworks Company, with reference to the supply of water within such parishes or parts of parishes as aforesaid, shall absolutely cease and determine, and the said Order shall have as full validity and effect as though such parishes or parts of parishes had never been included within the limits within which the said Company were by the said Act authorised to supply water.

SCHEDULE OF ORDERS.

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Corsham Water.—Order empowering the Corsham Waterworks Company Limited to raise additional Capital.

North Sussex Water.—Order authorising the construction and maintenance of Waterworks and the supply of Water in parts of the Parish of Worth in the County of Sussex.

Rochford, Rayleigh, and Leigh Water.—Order empowering the South East Essex Gas and Water Company, Limited, to construct and maintain Waterworks, and to supply Water within the Parishes of Rochford, Rayleigh, Leigh and Hockley, all in the County of Essex.

Swaffham Water.—Order empowering the Swaffham Waterworks Company, Limited, to maintain and continue Waterworks and to supply Water in the Parish of Swaffham in the County of Norfolk.

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Corsham Water.

CORSHAM WATER.

Order empowering the Corsham Waterworks Company Limited to raise additional Capital.

Short title.

1. This Order may be cited as the Corsham Water Order 1891.

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."

Construction of Order.

3. The Corsham Water Order 1889 (in this Order referred to as "the Order of 1889") as amended by this Order 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.

Additional capital.

4. The limitation prescribed by the Order of 1889 with respect to the amount of the share capital of the Undertakers shall not prevent the Undertakers from raising additional share capital not exceeding two thousand pounds (in this Order referred to as "the additional capital") for the purposes of the undertaking authorised by the Order of 1889 and this Order including any premiums that may be obtained on the sale of any shares under the provisions of this Order Provided that the share capital of the Undertakers shall not for such purposes exceed in the whole the sum of six thousand pounds unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

5. The Undertakers shall when any shares forming part of the additional capital 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.

6. When 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 to be the purchaser of and to be entitled to such lot.

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7. It shall be one of the conditions of any sale of shares under the provisions of 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.

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

8. 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.

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

9. When any shares 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 such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares 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 additional capital.

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

10. 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.

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

Limits of dividend on capital.

12. 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 share capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividend on different classes of ordinary shares to be paid proportionately.

13. 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

Limit of borrowing powers.

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Corsham Water.

by the Undertakers after the commencement of this Order and secured as aforesaid.

Costs of Order.

14. 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.

North Sussex Water.

NORTH SUSSEX WATER.

Order authorising the construction and maintenance of Waterworks and the supply of Water in parts of the Parish of Worth in the County of Sussex.

Short title.

1. This Order may be cited as the North Sussex Water Order 1891.

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 the expression "the undertaking" shall mean the waterworks and the works connected therewith by this Order authorised to be constructed and maintained and the several words terms and expressions to which by any Act in whole or in part 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 in whole or in part 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 parts hereinafter described of the parish of Worth in the county of Sussex (that is to say) :—

So much of that part of the parish of Worth which lies to the northward of the line of the London Brighton and South Coast Railway Company from Three

Bridges to Tunbridge Wells as lies within a radius of one mile from the point at which the said line of railway intersects the level crossing at the eastern end of the railway station at Grange Road and

So much of that part of the parish of Worth which lies to the southward of the said line of railway from Three Bridges to Tunbridge Wells as lies within a radius of two miles from the said level crossing.

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

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 any part of the district included within the limits of supply the local authority having jurisdiction within such part of the said district may provide such supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of the said district as if in either case there were no company or person authorised by this Order to supply water therein.

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.

Undertakers.

7. Leonard Francis Palmer of Arundel House Lingfield Road East Grinstead Sussex and Samuel James Palmer of Grainger Street Newcastle-on-Tyne and the survivor of them or the executors or administrators of such survivor their or his assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" 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 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.

8. The capital of the Undertakers shall not for the purposes of the undertaking exceed ten thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limitation of profits.

9. 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 construction of the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profits to be received by the Undertakers when the waterworks are carried on for their benefit and in the construction of this Order the

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expression "paid-up capital in the undertaking" shall be deemed to mean so much of the capital authorised by this Order as has actually been expended on or is actually being used for the purposes of the undertaking.

Limit of borrowing powers.

10. 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 one-fourth of the amount of the paid up capital in the undertaking 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.

11. 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 undertaking and they may also by agreement from time to time purchase or take on lease and hold 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 create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands shown on the said plans.

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.

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 engine-houses 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 parish of Worth in the county of Sussex and are—

(*a*) A well and pumping station and tank or reservoir to be situated near the south-western part of the field numbered 733 on the twenty-five inch ordnance map of the parish of Worth;

(*b*) A conduit or line of pipes commencing at the tank or reservoir connected with the intended well and pumping station (A) first above described thence passing westward for about sixty yards into Bowers Place Road thence

northward along Bowers Place Road to its junction with the public road called Hophurst Lane leading to East Grinstead thence along the said public road towards East Grinstead and terminating in the said public road at a point opposite to the carriage entrance to the house called The Eagles.

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 eleven 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.

Rates for supply 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 furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say) :—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eight pence ;

Where such rateable value exceeds five pounds and does not exceed twenty pounds the rate of eight pounds per centum 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 upon such rateable value ;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds the rate of seven pounds per centum upon such rateable value ;

Where such rateable value exceeds sixty pounds and does not exceed eighty pounds the rate of six pounds ten shillings per centum upon such rateable value ;

Where such rateable value exceeds eighty pounds the rate of six pounds per centum upon such rateable value ;

And so in proportion for any shorter period in each case:

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North Sussex Water.

Provided that the Undertakers shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another 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:

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

Rates for water-closets &c.

18. In addition to the foregoing charges the Undertakers may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such 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.

Regulations for preventing waste of water.

19. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but 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 The said provisions are as follows:—

(1) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soilpans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination;

(2) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same;

(3 No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit;

(4) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times

inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding two pence for each copy;

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

(6) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person 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 as water rates are recoverable;

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

Supply of water by agreement.

20. The Undertakers may from time to time by agreement supply any urban or rural sanitary authority or any company authorised to supply water without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement no such authority or company 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 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 fifty-two of the Public Health Act 1875 or any similar provision.

Supply of water by measure.

21. 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.

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North Sussex Water.

Undertakers to keep meters &c. in repair.

22. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any 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.

23. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers Provided 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.

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

25. 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.

26. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other 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.

27. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers 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 use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

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

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

Miscellaneous.

Incoming tenant not liable to pay arrears.

29. In case any 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 payment of such arrears.

Several sums in one summons.

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

Warrant of distress to include costs.

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

Liability to water rate not to disqualify justices from acting.

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

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

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

Costs of Order.

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

A.D. 1891.

Rochford, Rayleigh, and Leigh Water.

ROCHFORD, RAYLEIGH AND LEIGH WATER.

Order empowering the South East Essex Gas and Water Company, Limited, to construct and maintain Waterworks, and to supply Water within the Parishes of Rochford, Rayleigh, Leigh and Hockley, all in the County of Essex.

Short title.

1. This Order may be cited as the Rochford, Rayleigh and Leigh Water Order, 1891.

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 in whole or in part 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 in whole or in part 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 Rochford and Rayleigh, so much of the parish of Leigh as lies north of the high water mark of the River Thames, and so much of the parish of Hockley as lies south of the road leading from Ashingdon to Battlesbridge, all in the county of Essex.

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

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 any part of the district included within the limits of supply, the local authority having jurisdiction within such part of the said district may provide such supply, in accordance with the provisions of the Public Health Act, 1875, or any company, body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of the said district, as if in either case there were no company authorised by this Order to supply water therein.

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.

Undertakers.

7. The South East Essex Gas and 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.

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

Limit of borrowing powers.

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 amount of the capital of the Undertakers actually raised by the issue of shares or stock, 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 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 also 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 create or permit a nuisance on any such lands, and that they shall not at any time hold for such purposes more than three acres of land in the whole, in addition to the lands shown on the said plans.

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

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 rent-charges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights or privileges as aforesaid.

Construction of Waterworks.

Power to construct waterworks and supply water.

12. The Undertakers may on the lands shown on the deposited plans, when they have acquired and while they are possessed of the same, 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 needful tanks, pipes, mains, culverts, embankments, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith necessary for the supply of water, 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 wholly situate in the county of Essex, and are as follows:—

(1) A well and pumping station, with pumping engines, engine and boiler houses, and other works, buildings and conveniences, to be situate at and

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upon a piece or parcel of land in the south-east corner of a piece of land belonging or reputed to belong to Esther Eliza Rose, and in the occupation of Henry Luker, and bounded on the north, east and west by land also belonging or reputed to belong to the said Esther Eliza Rose, and on the south by the high road from Rayleigh to Hadleigh, all in the parish of Rayleigh, in the county of Essex;

(2) A service reservoir, to be situate upon the said piece or parcel of land firstly before described;

(3) A main conduit, or line of pipes (No. 1), commencing at the aforesaid well and pumping station, and terminating at the aforesaid service reservoir, situate wholly upon the said piece or parcel of land firstly before described.

Limits of deviation.

13. 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.

14. The works authorised by this Order shall be commenced, constructed and completed within the time, and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided 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.

For the protection of the Southend Waterworks Company.

15. Notwithstanding anything in this Order or in any of the Acts incorporated therewith contained, the Undertakers shall not make or sink any well or shaft within one mile of any part of the parishes of Eastwood and Prittlewell, respectively, without the consent in writing of the Southend Waterworks Company under their common seal.

For the protection of the Great Eastern Railway Company.

16. All works to be constructed by the Undertakers in the exercise of the powers conferred by this Order in any way affecting the railway of the Great Eastern Railway Company, or any of the bridges or works thereof, or any lands or property belonging to the said Company shall be constructed under the superintendence and to the reasonable satisfaction of the principal engineer, for the time being, of the said Company, and according to plans to be reasonably approved by him, but in all things at the expense of the Undertakers; and so as to cause no injury to such railway, bridges, works, lands or property, or interruption to the passage or conduct of traffic over such railway; and if in consequence of the construction of such works any injury be caused to such railway, bridges, works, lands or property, or any interruption be caused to such traffic, the Undertakers shall make full compensation to the said Company in respect of such injury or interruption, the amount of such compensation, failing agreement, to be settled by arbitration, in the manner provided for settling cases of disputed compensation by the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

For the protection of the London, Tilbury and

17.—(1.) Any mains or pipes which the Undertakers may lay down, in or along any road crossing either over, under or on the level of the London, Tilbury and Southend Railway, shall, so far as they may affect the said railway, be laid

down by the Undertakers, at such times as may be reasonably required, by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the London, Tilbury and Southend Railway Company, and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him; and any of such mains from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions.

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Southend Railway Company.

(2.) The said mains and pipes shall be so laid down, maintained, repaired and used by the Undertakers as not to cause any damage or injury to, or impede the free and uninterrupted use of, the said railway and works.

(3.) The Undertakers shall at all times keep the said company indemnified against all damages, losses, expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the laying down, maintaining and using such mains and pipes.

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

18. 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.

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

Rates for supply for domestic purposes.

20. 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 furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed five pounds, the sum of eight shillings and eightpence;

Where such rateable value exceeds five pounds and does not exceed twenty pounds, the rate of eight pounds per centum 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 upon such rateable value;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds, the rate of seven pounds per centum upon such rateable value;

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

Where such rateable value exceeds eighty pounds, the rate of six pounds per centum upon such rateable value;

And so in proportion for any shorter period in each case:

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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 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 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 demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another 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 :

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

Rates for water closets, baths, &c.

21. In addition to the foregoing charges the Undertakers may charge, in respect of every water closet beyond the first (for which no additional charge shall be made), on any premises within the limits of supply, a sum not exceeding five shillings per annum, and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum, and for every fixed bath capable of containing more than fifty gallons such 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.

Regulations for preventing waste of water.

22. For preventing waste, misuse, undue consumption or contamination of the water of the Undertakers, the following provisions shall be in force and have effect, but 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. The said provisions are as follows :—

(1) The Undertakers may from time to time make regulations for the purpose of preventing the waste, undue consumption, or misuse or contamination of water, and may, by such regulations, prescribe the size, make, nature, materials, workmanship, and strength, and the mode of arrangement, connection, disconnection, alteration, and repair of the pipes, meters, cocks, ferrules, valves, soil pans, water closets, baths, tanks, cisterns, and other apparatus, fittings, means, contrivances, receptacles, or appliances, whatsoever to be used, and forbid any arrangements, and the use of the several things before mentioned, or any or either of them, which may allow or tend to waste or undue consumption, misuse, erroneous measurement, or contamination ;

(2) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board, who are hereby empowered to confirm the same ;

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(3) No such regulations shall be confirmed until after the expiration of one month after notice, in writing, to submit the same for confirmation, together with a copy of the proposed regulations, shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply, who may, within the said period of one month, make such representations to the Local Government Board as they see fit;

(4) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers, and all persons may at all reasonable times inspect such copy without payment; and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy;

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

(6) In case of failure of any person to observe such regulations as are for the time being in force, the Undertakers may, if they think fit, after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer, repair, replace, or alter any pipe, meter, valve, cock, ferrule, tank, cistern, bath, soil pan, water closet, or other apparatus, means, contrivance or receptacle, fittings or appliances, belonging to or used by such person, 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 as water rates are recoverable;

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

Supply of water by agreement.

23. The Undertakers may from time to time, by agreement, supply any urban or rural sanitary authority or any company authorised to supply water without the limits of supply with water in bulk or otherwise for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement, no such authority or company 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

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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: Provided also that the Undertakers shall not supply water to any body or person for use or consumption within the district or limits of supply of the Southend Waterworks Company without the consent in writing of such Company, and then only upon such terms as shall be expressed in such consent.

Supply of water by measure.

24. 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.

25. 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.

26. Where water is supplied by measure the register of the meter or other instruments 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.

27. 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.

Where several houses supplied by one pipe each to pay.

28. 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.

29. 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.

30. 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, 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 use, 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.

31. 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.

32. 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 sums in one summons.

33. 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 sums.

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Warrant of distress to include costs.

34. 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.

35. 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.

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

Separate accounts in respect of water undertaking.

37. The Undertakers shall keep separate annual accounts with respect to their water undertaking, showing the amount of their paid-up capital in such undertaking, and such accounts shall in all respects be in accordance with the provisions of the Waterworks Clauses Act, 1847.

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.

Swaffham Water.

SWAFFHAM WATER.

Order empowering the Swaffham Waterworks Company, Limited, to maintain and continue Waterworks and to supply Water in the Parish of Swaffham in the County of Norfolk.

Short title.

1. This Order may be cited as the Swaffham Water Order, 1891.

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.

4. The several words, terms and expressions to which, by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings: Provided that the expression "superior court" or "court of competent jurisdiction" in any Act in whole or in part 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. Interpretation.

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 town and parish of Swaffham in the county of Norfolk as are within the limits of supply shown on the map deposited at the office of the Board of Trade and at the office of the clerk of the peace for the county of Norfolk and at the office of the urban sanitary authority for the district of Swaffham and marked "Swaffham Water Order, 1891." Limits of Order.

Undertakers.

6. The Swaffham 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.

7. The share capital of the Undertakers for the purposes of the water undertaking shall not exceed four thousand pounds, consisting of the share capital already raised or authorised to be raised by the Undertakers amounting to three 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 one 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. Capital.

8. The Undertakers shall, when any shares forming part of the additional capital 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. New shares to be offered by auction or tender.

Swaffham Water.

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

9. When 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 to be 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 any sale of shares under the provisions of 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 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 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.

Dividends on different classes of shares to be paid proportionately.

15. 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 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, take on lease, acquire, and use 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 create or permit a nuisance on any lands held by them, and 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.

Powers 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 maintain and continue, and from time to time alter, enlarge, renew and improve their existing waterworks, hereinafter 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 hereinbefore referred to are situate wholly in the parish of Swaffham, in the county of Norfolk, and are as follows:—

(1) A well, pumping station, water tower and workman's cottage in the water tower, all situate on land belonging or reputed to belong to and occupied by the Undertakers, and coloured red on the map deposited as before mentioned;

(2) A tank situate above the water tower near to and adjoining the said well and pumping station on the above-mentioned site;

(3) A conduit or line of pipes, commencing in the tank lastly before described, passing thence up Lynn Street and part of Lynn Road, and terminating in

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Lynn Road at or near the boundary of the limits of supply. Also a line of pipes commencing in the said tank, passing down Lynn Street, thence passing along one side of Market Place and down London Street, and terminating near a house known as the Pigeon House. Also a branch line of pipes passing down the lane (opposite the town pit in Market Place) and known as White Hart Lane, and terminating near the malting-houses. Also a line of pipes commencing at a point near the King's Arms Inn, passing thence round the other two sides of the Market Place, thence along Castleacre Street and Station Street, and terminating near the Baptist Chapel. Also a branch line of pipes passing from the last-mentioned line of pipes down Northwell Pool Lane, and terminating at a point near the Almshouses. Also a branch line of pipes passing from the line of pipes in Market Place, down Mangate Street, and terminating at a point near the church steps. Also a branch line of pipes commencing against the post office, running thence through Ash Close, and terminating at a point near the timber yard in Spinner's Lane.

For the protection of the Great Eastern Railway Company.

20. All works to be constructed by the Undertakers in the exercise of any powers conferred by this Order in any way affecting the railway of the Great Eastern Railway Company (in this section referred to as "the Company"), or any of the bridges or works thereof, or any lands or property belonging to the Company, shall be constructed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Company, and according to plans to be reasonably approved by him, but in all things at the expense of the Undertakers, and so as to cause no injury to such railway, bridges, works, lands, or property, or interruption to the passage or conduct of traffic over such railway, and if in consequence of the construction of such works any injury be caused to such railway, bridges, works, lands, or property, or any interruption be caused to such traffic, the Undertakers shall make full compensation to the Company in respect of such injury or interruption, the amount of such compensation failing agreement to be settled by arbitration in the manner provided for settling cases of disputed compensation by the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

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

21. 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.

22. 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 waterworks authorised to be maintained by this Order.

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Rates for supply for domestic purposes.

23. 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, furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed five pounds, the sum of eight shillings and eightpence;

Where such rateable value exceeds five pounds and does not exceed twenty pounds, the rate of eight pounds per centum 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 upon such rateable value;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds, the rate of seven pounds per centum upon such rateable value;

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

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

And so in proportion for any shorter period in each case. 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 not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another 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.

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

Rates for water-closets, &c.

24. In addition to the foregoing charges the Undertakers may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum, and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum, and for every fixed bath capable of containing more than fifty gallons such 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.

Regulations for preventing waste of water.

25. For preventing waste, misuse, undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect, but only within the district in which the Undertakers are bound to afford,

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and do in fact afford, or are prepared on demand to afford, a constant supply. The said provisions are as follows:—

(1) The Undertakers may from time to time make regulations for the purpose of preventing the waste, undue consumption or misuse or contamination of water, and may by such regulations prescribe the size, make, nature, materials, workmanship and strength, and the mode of arrangement, connection, disconnection, alteration and repair of the pipes, meters, cocks, ferrules, valves, soil-pans, water-closets, baths, tanks, cisterns and other apparatus, fittings, means, contrivances, receptacles or appliances whatsoever to be used, and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption, misuse, erroneous measurement or contamination.

(2) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board, who are hereby empowered to confirm the same.

(3) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation, together with a copy of the proposed regulations, shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply, who may within the said period of one month make such representations to the Local Government Board as they see fit.

(4) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers, and all persons may at all reasonable times inspect such copy without payment, and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding two pence for each copy.

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

6) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may, if they think fit, after twenty-four hours' notice in writing, enter and by and under the direction of their duly authorised officer repair, replace or alter any pipe, meter, valve, cock, ferrule, tank, cistern, bath, soil-pan, water-closet or other apparatus, means, contrivance or receptacle, fittings, or appliances belonging to or used by such person, 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 as water rates are recoverable.

(7) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence, and to a further daily penalty not exceeding forty shillings for each day or a part of a day whereon such offence shall occur

after conviction thereof, and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

Water supplied by agreement.

26. The Undertakers may from time to time, by agreement, supply any urban or rural sanitary authority or any company authorised to supply water without the limits of supply, with water in bulk, for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such authority or company; but notwithstanding any such agreement no such authority or company 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 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.

27. 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.

28. 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.

29. 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.

30. 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

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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.

31. 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.

32. 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.

33. 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, 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 preventing 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 use, 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.

34. 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. A.D. 1891. *Swaffham Water.*

Miscellaneous.

35. 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. Incoming tenant not liable to pay arrears.

36. 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 sums. Several sums in one summons.

37. 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. Warrant of distress to include costs.

38. 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. Liability to water rate not to disqualify justices from acting.

39. 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. 8 Vict. c. 16. s. 140, incorporated.

40. 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. Costs of Order.

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