CHAPTER cxix.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bishop's Waltham Water, Blandford Water, East Surrey Water, Tilehurst, Pangbourne, and District Water, and West Cheshire Water. A.D. 1894.

[20th July 1894.]

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

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

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

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Water Orders Confirmation Act, 1894. Short title.

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. Confirmation of Orders in schedule.

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in Special provisions.

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as to labouring class.

any city, borough, or urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or, except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December, but have been or shall be subsequently so occupied.

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

SCHEDULE OF ORDERS.

Bishop's Waltham Water.—Order empowering the Bishop's Waltham Waterworks Company, Limited, to maintain and continue waterworks and to supply water in the parish of Bishop's Waltham, in the county of Southampton.

Blandford Water.—Order empowering the Blandford Waterworks Company, Limited, to construct and maintain waterworks and to supply water in the parishes of Blandford Forum, Bryanston, Blandford Saint Mary, Langton-Long-Blandford, Pimperne, Charlton Marshall, and Spetisbury, all in the county of Dorset.

East Surrey Water.—Order empowering the East Surrey Water Company to purchase additional lands by agreement and to raise additional capital.

Tilehurst, Pangbourne, and District Water.—Order empowering the Tilehurst, Pangbourne, and District Water Company, Limited, to construct and maintain waterworks and to supply water in the parishes of Sulham and Purley, and parts of the parishes of Tilehurst, Pangbourne, Tidmarsh, Whitchurch, and Englefield, all in the county of Berks.

West Cheshire Water.—Order extending the limits of supply of the West Cheshire Water Company.

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Order empowering the Bishop's Waltham Waterworks Company Limited to maintain and continue Waterworks and to supply Water in the Parish of Bishop's Waltham in the county of Southampton.

Short title.

1. This Order may be cited as the Bishop's Waltham Water Order 1894.

Commencement of Order.

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

Incorporation of Acts.

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

Interpretation.

4. The several words terms and expressions to which by any Act 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 demand created by statute.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Bishop's Waltham in the county of Southampton.

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 of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of the said district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

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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 Bishop's Waltham Waterworks Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

8. The share capital of the Undertakers for the purposes of the undertaking shall not exceed ten thousand pounds consisting of the share capital already raised or authorised to be raised by the Undertakers amounting to six 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 four thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

9. 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.

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

10. 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 to be paid within three months.

11. 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 of sale of shares.

12. 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.

13. 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 but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender not being less than the nominal value of such shares and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole amount of such shares or stock is sold.

Application of premium arising on issue of shares.

14. 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.

15. 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 so much 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 original capital or of so much of such additional capital as may be issued as preference capital.

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

16. 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 original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

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Borrowing powers.

17. 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 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 lands.

18. The Undertakers may by agreement from time to time purchase take on lease acquire and use any lands and any easements rights or privileges not being an easement right or privilege to take water in which persons other than the parties to the agreement have an interest in over or affecting any lands which they may require for the purposes of the 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.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Maintenance of Waterworks.

Power to maintain existing works and to supply water.

20. 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 herein-after described and the works connected therewith with all necessary wells conduits mains pipes sluices pumps engines engine houses machinery tanks valves apparatus and works connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

The works herein-before referred to are situate wholly in the parish of Bishop's Waltham in the county of Southampton and are as follows:—

(*a*) An engine house and well with pumps and other works and conveniences situate in a chalk pit immediately to the westward of Northbrook Farm all in the said parish of Bishop's Waltham aforesaid.

(*b*) A service reservoir situate in a field immediately to the northward and at a distance of three hundred yards or thereabouts from Vernon Hill House in the said parish of Bishop's Waltham.

(*c*) A conduit or line of pipes commencing within the above-mentioned engine house and extending for a distance of one thousand yards or thereabouts and terminating in the reservoir above described in the said parish of Bishop's Waltham.

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21. No works at any time affecting any bridge belonging to or under the control of the Hampshire County Council shall be placed or constructed by the Undertakers except in accordance with plans previously submitted to and approved by the said council and signed by the surveyor of the said county.

For protection of county bridges.

22. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall unless otherwise agreed between the South Western Company and the Undertakers apply and have effect:—

For protection of London and South Western Railway Company.

(*a*) In laying down repairing or removing any mains pipes or conduits or executing any other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the railway of the South Western Company or any bridge over or under such railway or any approaches to any such bridge liable to be maintained by the South Western Company or within the South Western Company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the South Western Company and according to such plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto liable to be maintained as aforesaid or within the South Western Company's boundary and shall within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence;

(*b*) If any injury or damage to the railway works or property of the South Western Company or any interruption of the South Western Company's traffic shall be in any way occasioned by the Undertakers or by their contractors agents or workmen or arise from bursting or want of repair of any mains or pipes of the Undertakers the Undertakers shall forthwith make full compensation to the South Western Company in respect thereof;

(*c*) All mains pipes conduits and other works of the Undertakers upon across over under or in any way affecting the said railway or any bridge over or under the same or the approaches thereto liable to be maintained as aforesaid or within the South Western Company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Under-

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takers to forthwith put into good repair any such main pipe conduit or other work as aforesaid as may be in want of repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the South Western Company may without any further notice to the Undertakers repair the same and all expenses properly incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the said railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe conduit or other work as aforesaid being in want of repairs the South Western Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid to them by the Undertakers;

(*d*) The Undertakers shall bear and on demand pay to the South Western Company all costs of the superintendence by them of the construction of the works and repairs thereof and all proper costs of watching lighting and protection of the said railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary but such superintendence by the South Western Company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractor's agents or workmen;

(*e*) The South Western Company may at any time or times hereafter upon giving to the Undertakers seven days notice thereof in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers divert or alter the level of any main pipe or conduit of the Undertakers within the South Western Company's boundary so as to admit of any repairs alterations or extensions of their railway or works which they may think necessary without being liable to pay compensation in respect thereof;

(*f*) Any difference which may arise between the South Western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the cost of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

As to differences with railway or other companies.

23. If any difference arise between the Undertakers and any railway canal or other company or person other than the London and South Western Railway 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.

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

Rates for supply of water for domestic purposes.

25. 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 herein-after 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 seven pounds ten shillings per centum upon such rateable value.

Where such rateable value exceeds twenty pounds the rate of seven 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 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.

Provided also that at any time after the expiration of six years from the commencement of this Order the Board of Trade may if they think fit (after hearing the parties) upon the application of any local authority having jurisdiction within the limits of supply or of any twenty or more inhabitant householders within the limits of supply or of the Undertakers by order in writing signed by a secretary or an assistant secretary of the said Board alter the said rates by substituting any other rates for the said rates and as from the date specified in such Order the rates at which the Undertakers may charge for water supplied by them for domestic purposes shall be in accordance with such Order.

A copy of any such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

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 watercloseta &c.

26. In addition to the foregoing charges the Undertakers may charge in respect of every watercloset 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

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more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more that 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 Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

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

27. 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 connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

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

(3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the 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 watercloset or other apparatus means

contrivance or receptacle fittings or appliances belonging to or used by such persons 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.

28. 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 Provided also that the powers of this section shall not be exercised within the limits of supply for the time being of the South Hants Waterworks Company without the consent in writing of that Company.

Supply of water by measure.

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

Undertakers to keep meters &c. in repair.

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

Register of meters &c. to be evidence.

31. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity

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

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

32. Section 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.

33. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of water to tenements in a row.

34. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other such tenement unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring meters &c.

35. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers 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.

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

Miscellaneous.

Incoming tenant not liable to pay arrears.

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

Several sums in one summons.

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

Warrant of distress to include costs.

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

Liability to water rate not to disqualify justices &c. from acting.

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

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

41. Section 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.

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

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BLANDFORD.

Blandford. *Order authorising the Blandford Waterworks Company Limited to construct and maintain Waterworks and to supply Water in the parishes of Blandford Forum Bryanston Blandford Saint Mary Langton-Long-Blandford Pimperne Charlton Marshall and Spetisbury all in the County of Dorset.*

Short title.

1. This Order may be cited as the Blandford Water Order 1894.

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 plan" and "deposited sections" shall mean respectively the plan and sections deposited for the purposes of this Order with the clerk of the peace for the county of Dorset the expression "the undertaking" shall mean the waterworks and the works connected therewith by this Order authorised to be constructed and maintained the expression "the Corporation" shall mean the mayor aldermen and burgesses of the borough of Blandford Forum 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 "local authority" shall mean urban sanitary authority or rural sanitary authority and 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 Blandford Forum Bryanston Blandford Saint Mary Langton-Long-Blandford Pimperne Charlton Marshall and Spetisbury all in the county of Dorset.

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 of any local authority included within the limits of supply such local authority may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any

company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers 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. The Blandford Waterworks Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Purchase of undertaking by Corporation of Blandford Forum.

8.—(1.) The Corporation may at any time within three years after the Undertakers shall commence to supply water under this Order by twelve months notice in writing require them to sell and thereupon the Undertakers shall sell and the Corporation shall purchase the undertaking subject to all mortgage and other debts and liabilities of the Undertakers upon the terms of the Corporation paying to the Undertakers a sum calculated at the rate of one hundred and fifteen pounds for every one hundred pounds of the amount expended by the Undertakers upon the undertaking and chargeable to capital account except so much of such amount as shall have been raised by mortgage or charge subsisting at the time of the purchase.

(2.) The Corporation may at any time after the expiration of the three years mentioned in the last preceding sub-section by twelve months notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell and the Corporation shall purchase the undertaking subject to all mortgage and other debts and liabilities of the Undertakers upon the terms of the Corporation paying to the Undertakers a sum calculated at the rate of one hundred and twenty pounds for every one hundred pounds of the paid-up capital of the Undertakers including any premiums paid on the issue of any shares or stock.

(3.) Any difference as to the amount to be paid by the Corporation to the Undertakers under the provisions of this section shall be referred to arbitration and the provisions of sections one hundred and seventy-nine and one hundred and eighty of the Public Health Act 1875 shall as nearly as may be apply thereto as though such difference were by that Act authorised or directed to be settled by arbitration Provided that unless both parties concur in the appointment of a single arbitrator they shall before the arbitrators enter upon the reference make application to the Board of Trade to nominate an engineer or other fit person as umpire and the expenses of the reference shall be borne and paid as the umpire directs.

(4.) The Board of Trade may determine any other question which may arise in relation to such purchase and may fix the date from which such purchase is to take effect and from and after the date so fixed or such other date as may be agreed upon between the parties all lands buildings works materials plant effects and property and all rights powers and privileges of the Undertakers (except powers of raising or borrowing money) shall be by deed duly stamped

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assigned to and shall vest in and be exerciseable and enjoyed by the Corporation subject to the obligation to supply water within the limits of supply as well outside the district of the Corporation as inside the said district and to all other obligations of the Undertakers in regard to the supply of water and all the expenses in connexion with such assignment shall be paid by the Corporation.

(5.) The purchase of the undertaking by the Corporation shall be deemed to be made under section fifty-one of the Public Health Act 1875 and the Corporation may for the purpose of such purchase exercise all the powers of borrowing which they possess under the said Act and all provisions for repayment of money formation of sinking fund and audit of accounts shall apply as if it were a case of expenditure by the Corporation under the said Act.

Provision for sale of portion of waterworks and plant to other sanitary authorities.

(6.) If at any time after such purchase as aforesaid any sanitary authority whose district is beyond the district of the corporation but within the limits of supply shall give not less than six months' notice in writing to the corporation of their desire to purchase such portion of the waterworks and plant of the corporation as is contained within the district of any such sanitary authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or to the Local Government Board for power to purchase such portion of the waterworks and plant of the corporation (except the works authorised by the section of this Order the marginal note whereof is "Power to construct waterworks and supply water" and except the mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the corporation for the supply of water) and to supply water within such district then it shall not be lawful for the corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the corporation shall sell and such sanitary authority shall purchase the portion of the waterworks and plant of the corporation (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Provided that after the completion of such purchase all obligations on the part of the corporation to supply water within such district shall cease and determine.

Capital.

Capital.

9. The share capital of the Undertakers for the purposes of the undertaking shall not 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.

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 two thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

Power to acquire lands.

11. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plan as they may require for the purposes of the undertaking and they may by agreement from time to time purchase take on lease acquire and use any easements rights or privileges (not being an easement or right to take water in which any persons other than the parties to the agreement have an interest) in over or affecting any lands which they may require for such purposes and they may by agreement and with the consent in writing of the Board of Trade from time to time purchase or take on lease acquire and use any other lands which they may require for such purposes 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 five acres of land in the whole Provided also that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking.

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 right or privilege of water in which any persons other than the parties to the agreement have an interest) 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 and privileges as aforesaid respectively.

Construction of Waterworks.

Power to construct waterworks and supply water.

13. The Undertakers may on the lands shown on the deposited plan 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 plan and deposited sections the works herein-after described with all necessary adits pipes mains culverts wells drains sluices engines filtering-beds approaches embankments roads and all other works and conveniences connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

The works authorised by this Order will be situate in the county of Dorset and are :—

(1.) A well and pumping station to be situate upon a piece of land belonging or reputed to belong to Thomas D'Oyly Snow and in the occupation of James Roseveare in the parish of Langton-Long-Blandford forming part of the field numbered 68 on the $\frac{1}{2500}$ Ordnance map of that parish.

(2.) A conduit or rising main commencing at the said well and pumping station and terminating at the reservoir next herein-after described.

(3.) A reservoir to be situate upon a piece of land belonging or reputed to belong to the said Thomas D'Oyly Snow and in the occupation of the said James Roseveare in the parish of Langton-Long-Blandford forming part of the field numbered 71 on the said Ordnance map.

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(4.) A conduit or supply main commencing at the said reservoir and terminating in the parish of Pimperne in the road leading from Blandford to Salisbury at a point situate about six hundred and sixty feet measured in a south-westerly direction from Letton Lodge in that road.

Limits of deviation.

14. In constructing the works authorised to be constructed by this Order the Undertakers may deviate from the lines thereof to any extent within the limits of deviation shown on the deposited plan but in no case beyond the width of any road shown on the deposited plan and they may deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards Provided that they shall not in the exercise of the power of lateral deviation hereby given construct any embankment or retaining wall of the reservoir hereby authorised of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition Provided further that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections.

As to completion &c. of works.

15. The works authorised to be constructed 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 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 protection of London and South Western and Midland Railway Companies.

16. For the protection of the London and South Western Railway Company and the Midland Railway Company (in this section referred to as "the railway companies") the following provisions shall unless otherwise agreed between the railway companies and the Undertakers apply and have effect:—

(1.) In laying down repairing or removing any mains pipes or conduits or executing any other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the Somerset and Dorset Railway or any railway now or hereafter belonging or leased to the railway companies or any bridge over or under such railway or any approaches to any such bridge liable to be maintained by the railway companies the same shall (except in case of urgent necessity of which immediate notice shall be given to the railway companies by the Undertakers or their engineer) be done under the superintendence and to the reasonable satisfaction of the engineer of the railway companies and according to such plans sections and specifications (when required by such engineer) and at such times as shall be previously submitted to and as shall be reasonably approved by him or in case of difference by the arbitrator to be appointed as herein-after provided and shall be executed by and at the expense in all things of the Undertakers and so as to cause as little injury as possible to the said railways or to any such bridge or the approaches thereto Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days or of the said times within three days after the same have been submitted to him he shall be deemed to have approved thereof

and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence.

(2.) If any injury or damage to the said railway or to the works or property of the railway companies or any interruption of the railway companies traffic shall be in any way occasioned by the Undertakers or by their contractors agents or workmen or arise from bursting or want of repair of any mains or pipes of the Undertakers the Undertakers shall forthwith make compensation to the railway companies in respect thereof.

(3.) All mains pipes conduits and other works of the Undertakers upon across over under or in any way affecting the said railways or any bridge over or under the same or the approaches thereto liable to be maintained as aforesaid shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the railway companies may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put into good repair any such main pipe conduit or other work as aforesaid as may be in want of repair and if the Undertakers for fourteen days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the railway companies may without any further notice to the Undertakers repair the same and all expenses properly incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the said railway cr any bridge over or under such railway or the approaches thereto by reason of any such main pipe conduit or other work as aforesaid being in want of repairs the railway companies may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid to them by the Undertakers.

(4.) The Undertakers shall bear and on demand pay to the railway companies all costs of the superintendence by them of the construction of the works and repairs thereof and all proper costs of watching lighting and protection of the said railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary but such superintendence by the railway companies shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractors agents or workmen.

(5.) The railway companies may at any time or times hereafter upon giving to the Undertakers seven days notice thereof in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers divert or alter the level of any main pipe or conduit of the Undertakers within the railway companies boundary so as to admit of any repairs alterations or extensions of their railway or works which they may think necessary without being liable to pay compensation in respect thereof Provided that the railway companies shall interfere

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as little as possible with the due flow of water through the said main pipe or conduit.

(6.) Any difference which may arise between the railway companies and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

Differences with railway or other companies.

17. If any difference arise between the Undertakers and any railway or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the 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.

18. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the reservoir authorised to be constructed by this Order.

Rates for supply of water for domestic purposes.

19. 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 herein-after specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed eight pounds ten shillings the sum of eight shillings and eightpence.

Where such rateable value exceeds eight pounds ten shillings the rate of seven 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.

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 or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

Rates for watercloset and baths.

20. In addition to the foregoing charges the Undertakers may charge in respect of every watercloset 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 Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

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

21. 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 connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

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

(3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the 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 the 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 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 watercloset or other apparatus means contrivance or receptacles fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such

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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.

Undertakers to supply water to Corporation of Blandford Forum.

22. For the period of one year after the Undertakers shall commence to supply water under this Order they shall supply the Corporation with such reasonable quantity of water as they may require for the purposes of watering streets and of flushing sewers at the sum of seventy-five pounds Any difference under this section shall be referred to arbitration in the manner provided by subsection (3) of the section of this Order with the marginal note "Purchase of undertaking by Corporation of Blandford Forum."

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 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 execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Supply of water by measure.

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 doing so such person shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test

inspect and replace any such meter or other instrument at all reasonable times.

Register of meters &c. to be evidence.

26. 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.

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 of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring meters &c.

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

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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 for arrears of former tenant.

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.

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 &c. 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.

Costs of Order.

37. 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.

EAST SURREY.

A.D. 1894.

East Surrey.

Order empowering the East Surrey Water Company to Purchase additional Lands by Agreement and to raise additional Capital.

Short title.

1. This Order may be cited as the East Surrey Water Order 1894.

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. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares;
The transfer or transmission of shares;
The payment of subscriptions and the means of enforcing the payment of calls;
The forfeiture of shares for non-payment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of the shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested.

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 and the Lands Clauses Acts except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and the Waterworks Clauses Acts 1847 and 1863 are except where expressly varied by this Order incorporated with and form part of this Order.

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

Undertakers.

4. The East Surrey Water Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Purchase of land by agreement.

5. The Undertakers may (in addition to any lands which they are otherwise authorised to acquire or hold) by agreement from time to time take purchase and hold for the general purposes of their undertaking any lands not exceeding in the whole five acres in extent and any term interest or easement (not being an easement of water) in over or under any such lands Provided that the Undertakers shall not on any such lands create or permit any nuisance or erect or authorise the erection on any such lands of any buildings except such as are required for the purposes of or in connexion with their undertaking

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East Surrey.

Power to hold and dispose of lands.

6. The Undertakers may hold such lands as for the time being are vested in them which they may deem necessary for the purposes of protecting their waterworks or water supply against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Order or the Lands Clauses Consolidation Act 1845 respectively and the Undertakers may from time to time sell lease or exchange such lands to such persons as they may think fit and in any such sale lease or exchange the Undertakers may reserve to themselves all or any water or water rights or other easements in relation thereto and make such sale lease or exchange subject to such conditions restrictions and provisions with respect to the carrying on of noxious trades discharge or deposit of sewage and other like matters as the Undertakers think fit Provided always that no building shall be erected on any such lands whilst so held by the Undertakers other than buildings necessary for or connected with the waterworks.

Additional capital.

7. In addition to the capital already authorised to be raised by the Undertakers they may from time to time:—

(1.) Raise any further sums not exceeding in the whole eighty thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the further capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or any stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale thereof as herein-after provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of eighty thousand pounds.

(2.) Borrow on mortgage in respect of the further capital of eighty thousand pounds by this Order authorised to be raised by the issue of ordinary or preference shares or stock any sum or sums not exceeding in the whole one-fourth part of the amount payable in respect of such further capital at the time actually issued including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until shares or stock for so much of the further capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premiums (if any) have been fully paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

8. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any

part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

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

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

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

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

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

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

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

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

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

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

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

14. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner provided by the Companies Clauses Act 1863 Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

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

Limits of dividend on further capital.

16. The Undertakers shall not in any year make out of their profits any larger dividends on the further 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 up of so much of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which may have fallen short of the said sum of seven pounds per centum per annum.

Ranking of different classes of ordinary capital for dividend if profits insufficient to pay in full the prescribed dividend on all.

17. If in any one year the net revenues of the Undertakers applicable to dividend on ordinary capital shall be insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary stock or shares in the capital of the Undertakers such revenues shall be applied in the first place in payment of dividend on all ordinary capital of the Undertakers up to the rate of seven pounds per centum in respect of every sum actually paid up of such capital and the balance in payment of dividend upon all ordinary capital of the Undertakers actually paid up and entitled to a higher rate of dividend than seven pounds per centum.

Dividends on new shares or stock.

18. Subject to the provisions of this Order every person who becomes entitled to shares or stock created under the powers of this Order shall in respect of the same be a holder of shares or stock in the capital of the Undertakers and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of debenture stock and preferential shares or stock.

19. No person shall be entitled to vote in respect of any debenture stock created under this Order nor (except as otherwise expressly provided by the resolution creating the same) in respect of any shares or stock so created to which a preferential dividend shall be assigned.

Receipt clause in case of persons not sui juris.

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

Powers to create debenture stock.

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

Existing mortgages to have priority.

22. All mortgages granted by the Undertakers under the authority of any Act or Order before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Acts or Orders under which such mortgages were respectively granted have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Limit of interest on moneys borrowed.

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

For appointment of receiver.

24. Section nineteen of the Act of 1885 (for appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or any proceedings then pending and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or of principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Application of moneys.

25. All moneys raised under this Order shall be applied to the purposes of the undertaking of the Undertakers to which capital is properly applicable.

Costs of Order.

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

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TILEHURST PANGBOURNE AND DISTRICT.

Order empowering the Tilehurst Pangbourne and District Water Company Limited to construct and maintain Waterworks and to supply Water in the Parishes of Sulham and Purley and parts of the Parishes of Tilehurst Pangbourne Tidmarsh Whitchurch and Englefield all in the County of Berks.

Short title.

1. This Order may be cited as the Tilehurst Pangbourne and District Water Order 1894.

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

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Sulham and Purley and so much of the parishes of Tilehurst Pangbourne Tidmarsh Whitchurch and Englefield all in the county of Berks as is situated within and bounded by an imaginary line drawn from and commencing on the south bank of the River Thames at a point 5·3 chains or thereabouts measured in a westerly direction along the said bank from the west side of Scour Lane thence in a southerly direction along the outside or west side of a circle of which the radius is two miles measured in an horizontal plane from the centre of the tower of Saint Mary's Church in the borough of Reading to the point where such circle crosses the boundary of the parish of Tilehurst at a distance from the centre of the road from Reading to Newbury of 7·8 chains or thereabouts measured along the boundary line of the said parish of Tilehurst thence in a south-westerly and southerly direction along the boundary line of the said parish of Tilehurst to the point where the said boundary line intersects the north fence of the Newbury and Hungerford Branch Railway of the Great Western Railway Company thence in a westerly direction along the said north fence where situate within the said parish of

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Tilehurst and where not so situate then along the southern boundary of the said parish to the point where the said fence intersects the south-west side of the road leading from the Reading and Newbury Road to the Fishery thence in a north-westerly direction along the south-west side of the said road leading to the Fishery thence across and at right angles to the said road leading from Reading to Newbury to the northernmost side thereof thence in a north-easterly direction along the northernmost side of the last-mentioned road to its junction with the west side of the nearest direct road leading through Tidmarsh to Pangbourne thence in a northerly direction along the west side of the last-mentioned road through Tidmarsh to the point where it joins the south side of the road leading to Bradfield at Courtlands thence in a westerly direction to a point 30·2 chains or thereabouts along the south side of the last-mentioned road thence straight across the last-mentioned road to the nearest point of and along the line of fence which runs in a north-westerly direction to the south side of the road from Pangbourne to Upper Basildon at a point distant from the tower of Saint James' Church Pangbourne aforesaid of 41·4 chains or thereabouts thence across that road in a north-westerly and northerly direction to the nearest point of and along the line of fence which runs in a northerly direction to the south-east corner of the field in which is situated the Northridge Bottom plantation thence in a north-easterly direction along the line of the south-east fence of the said field to the southernmost fence of the Great Western Railway thence in the same direction to the boundary of the parish of Pangbourne on the south bank of the River Thames at a point distant 12·4 chains or thereabouts measured in a south-easterly direction along the said bank from the point where the north-west boundary of the said parish of Pangbourne joins the boundary of the same parish on the south bank of the River Thames thence in an easterly direction along the south bank of the River Thames until it meets the point of commencement firstly herein-before described.

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 of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers 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 Tilehurst Pangbourne and District Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

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Capital.

Capital.

8. The share capital of the Undertakers shall not for the purposes of the undertaking exceed sixteen 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 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 undertaking and they may also by agreement from time to time purchase or take on lease and use any additional lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the parties to the agreement have an interest) 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 ten 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 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.

12. The Undertakers may on the lands shown on the deposited plans so long as they are possessed of the same 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 herein-after described with all necessary approaches fences excavations embankments buildings tanks sluices culverts pipes mains wells dams channels borings adits levels weirs pumps drains filters filter beds engines 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 Tilehurst in the county of Berks and are—

(1.) A well or wells and pumping station works to be situate in the pieces or parcels of ground bounded on the west by the road or highway known

as Kentwood Hill on the north by the road or highway known as Gipsy Lane and known as Kentwood Hill and Kew Kilns Brickfield;

(2.) A service reservoir to be situate in the aforesaid pieces or parcels of ground known as Kentwood Hill and Kew Kilns Brickfield;

(3.) A main conduit or line of pipes (No. 1) commencing at the said pumping station works and terminating at or near the south-western corner of the said service reservoir;

(4.) A main conduit or line of pipes (No. 2) commencing on the western side of the said service reservoir running thence in a north-westerly direction for a distance of 150 yards or thereabouts to and terminating in the said road or highway known as Kentwood Hill.

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 Provided always that the Undertakers may in constructing such works or any of them in or upon the lands shown on the deposited plans and which for the time being belong to or are leased or have been acquired by them under the provisions of this Order deviate beyond such limits laterally and vertically to such further extent as they may think necessary and the Board of Trade may in writing approve Provided also that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground unless so shown on the deposited sections.

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 and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

Power to take water.

15. Subject to the provisions of this Order the Undertakers may from time to time for the purposes of the undertaking take collect and impound in or by means of the works by this Order authorised to be made and maintained respectively the waters of any springs or streams which may be in on or under any lands for the time being belonging to the Undertakers or over which they may acquire any rights or easements under the provisions of this Order Provided that nothing in this Order shall authorise the Undertakers to take collect or impound water from the River Kennet or the Holy Brook or any tributary thereof respectively.

For the protection of the conservators of the River Thames.

16. The Undertakers shall not take any water from the River Thames (which expression in this section includes any tributary thereof) or from any defined surface channel discharging into the River Thames without the consent in writing of the Conservators.

For protection of Great Western Railway Company.

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 Great

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Western Railway shall so far as they may affect such 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 Great Western Railway Company (hereinafter referred to as the Great Western Company) and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions and the reasonable charges of such engineer shall be borne by the Undertakers Provided that where any mains or pipes require to be laid under or over any level crossing of the said railway the Great Western Company may if they elect so to do themselves lay such mains or pipes at the costs charges and expenses of the Undertakers.

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

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

(4) The Undertakers shall acquire only such an easement across over or under any of the railways works or property of the Great Western Company or any lands belonging to that company as may be necessary for constructing or maintaining any of the works of the Undertakers and shall pay to the Great Western Company for the easement (except in the case of public roads) such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled in manner provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation with respect to the purchase and taking of lands otherwise than by agreement and the easements so to be taken shall be deemed to be lands so far as regards the proceedings for the acquisition thereof.

(5) If the Great Western Company at any time hereafter require to construct any additional or other works upon their lands or railways or to alter renew or repair the railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the Great Western Company may on giving to the Undertakers seven days notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will permit and doing as little damage as may be without being liable to pay compensation in respect thereof.

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 purposes of meeting the demands

for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits 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 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 herein-after 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 ten pounds the rate of eight pounds per centum upon such rateable value ;

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

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

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

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

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

Provided that the Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than eight shillings and eightpence in any one year nor for a less period than twelve months and that the Undertakers shall in no case be entitled to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale :

Provided also that at any time after the expiration of ten years from the commencement of this Order the Board of Trade may if they think fit upon the application of any local authority having jurisdiction within the limits of supply or of any twenty or more inhabitant householders within the limits of supply or of the Undertakers by order in writing signed by a secretary or an assistant secretary of the said Board after hearing the parties alter the said rates by substituting any other rates for the said rates and as from the date specified in such Order the rates at which the Undertakers may charge for water supplied by them for domestic purposes shall be in accordance with such Order.

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A copy of any such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be primâ facie evidence of the due making and validity of the same and of the contents thereof.

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

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 watercloseets and baths.

21. In addition to the foregoing charges the Undertakers may charge in respect of every watercloset 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 an additional sum not exceeding ten shillings per annum Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of ten shillings increased in proportion to the size of such bath but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water and such additional sums are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Regulations for preventing waste &c. 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 connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans watercloseets 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 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 watercloset 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 local 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 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 in this section 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

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the meaning of section fifty-two of the Public Health Act 1875 or any similar provision.

Supply of water by measure.

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

Undertakers to keep meters &c. in repair.

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 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.

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 of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring meters &c.

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 of former tenant.

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

Several 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.

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 quarter sessions or county court 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.

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

36. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

For the protection of the Corporation of Reading.

37. Nothing in this Order shall take away prejudice or affect the powers (if any) which the mayor aldermen and burgesses of the borough of Reading (in this section called the Corporation) had immediately before the date of this Order under the Reading Local Board Waterworks Act 1868 or any other local Act relating to their water undertaking or under the Public Health Acts to construct and maintain a storage reservoir within the said parish of Tilehurst or to lay down and maintain mains and pipes for connecting the same with the waterworks of the Corporation but nothing herein contained shall authorise the Corporation to supply water within the water limits of the Undertakers or to interfere with any of the works mains or pipes of the Undertakers except with the consent in writing of the Undertakers.

Costs of Order.

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

West Cheshire.

WEST CHESHIRE.

Order extending the limits of supply of the West Cheshire Water Company.

Short title.

1. This Order may be cited as the West Cheshire Water Order 1894.

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 West Cheshire Water Act 1884 (in this Order referred to as "the Act of 1884") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Undertakers.

4. The West Cheshire Water Company incorporated by the Act of 1884 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Extension of limits of supply.

5. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits namely the townships of Shotwick Capenhurst Great Saughall Little Saughall and Woodbank in the parish of Shotwick the townships of Stoke Great Stanney and Little Stanney in the parish of Stoke and the portion of the township of Whitby situate in the parish of Stoke the township or place of Stanlow all in the county of Chester all the like powers privileges and authorities and be subject to all the like duties liabilities and obligations as they now have and are subject to within the limits of the Act of 1884 as defined by section four of that Act and the expression "limits of this Act" in the Act of 1884 (in this Order referred to as "the

limits of supply") shall from and after the commencement of this Order be deemed to include the said new limits Provided that the provisions of section four of the Act of 1884 from the words "provided that" to the end of the section shall not apply to the said new limits.

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 of any local authority within the new limits defined by this Order the local authority of such part of the said district may provide a supply in the whole or any part of their district within the new limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers 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.

Water supply by agreement.

7. 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 shall 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 the Act of 1884 and 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.

Power for the company to take water in bulk by agreement.

8. The Undertakers may from time to time for the purposes of their undertaking enter into and carry into effect any contract with the mayor aldermen and citizens of the city of Liverpool for a supply of water in bulk.

For protection of the Shropshire Union Railways and Canal Company.

9. The following provisions for the protection of the Shropshire Union Railways and Canal Company (in this section called "the canal company") shall have full force and effect within the new limits defined by this Order and be binding upon the Undertakers and their assigns.

(1.) Notwithstanding anything contained in this Order or in the Acts incorporated herewith the Undertakers shall not without the previous consent in writing of the canal company lay or maintain any mains pipes

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or other works upon across under along or in any way affecting the Shropshire Union Canal or the towing-path thereof or any other property now or hereafter belonging to or used or occupied by the canal company otherwise than by means of the public bridges across the same and in such manner that such mains pipes and works shall be laid inside the parapets of such bridges and that no injury to or interference with the permanent structure brickwork or retaining walls of any such bridges or the approaches thereto or the canal or towing-path or other works of the company and no interruption of the traffic on the said canal or towing-path shall be occasioned.

(2.) Whenever and so often as the canal company require to remove alter renew repair or support any bridge across over or along which any mains pipes or works of the Undertakers are laid they shall be at liberty to do so in the same manner as they might have done if this Order had not been made and confirmed and such mains pipes and works had not been laid but except in cases of emergency they shall give the Undertakers one month's previous notice before commencing the work In the event of any such removal alteration renewal repair or support the Undertakers shall in cases of emergency forthwith and in other cases on receiving one month's previous notice in writing when and so often as required by the canal company so to do and at their own expense alter the position of their mains pipes and works and relay the same in the same manner and subject to the same restrictions as in the case of the original bridge.

(3.) All works of the Undertakers in relation to the laying down maintaining altering repairing or relaying of any mains pipes or other works across over or along any such bridges as aforesaid shall be executed except in cases of emergency arising from defects in any of the pipes or other works under the superintendence if the same be given and to the reasonable satisfaction of the engineer of the canal company and only in accordance with plans to be submitted to and in such manner as shall be previously reasonably approved by him (or in case of difference by the engineer to be appointed in manner herein-after provided) and in all things by and at the expense of the Undertakers who shall also make good and repair the roads over any such bridges and the approaches thereto which the canal company are or may be liable to maintain or repair and which may be disturbed or interfered with by or owing to any operations of the Undertakers Provided that if the said engineer of the canal company shall not within fourteen days after plans shall have been submitted to him as aforesaid express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof and the Undertakers may forthwith proceed to perform the works specified without his superintendence.

(4.) If by reason of the construction maintenance renewal repair or reconstruction of any of the works authorised by this Order or by any Act incorporated herewith or by the bursting leakage failure or want of repair thereof or otherwise in connexion therewith any loss damage or injury shall be caused to the canal company or to their canal or towing-paths or other works or property or if any interruption shall be thereby occasioned

to the traffic passing to from or along the said canal the Undertakers shall make compensation in respect thereof to the canal company and the amount of such compensation shall be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable.

(5.) If any difference arise between the canal company and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the cost of the reference shall be borne as he shall direct.

For the protection of the Cheshire County Council.

10. For the protection of the county council of the county of Chester (in this section called "the council") the following provisions shall have effect unless otherwise agreed between the Undertakers and the council (that is to say):—

(1.) All works to be constructed or laid by the Undertakers in along or across or in any way affecting any main road county or hundred bridge or approach thereto under the control or management of or vested in the council shall be executed at the expense of the Undertakers and except in cases of emergency arising from defects in any of the pipes or other works under the superintendence if the same be given and to the reasonable satisfaction of the surveyor to the council in accordance with plans and sections to be reasonably approved of by him in writing before the commencement of any such work and the Undertakers shall in executing any such work conform to all the reasonable requirements of the said surveyor and shall pay to the council the reasonable expenses incurred by them in relation to such superintendence approval and requirement Provided that if the said surveyor shall not within fourteen days after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof and the Undertakers may forthwith proceed to execute the works specified without his superintendence and further that if he shall express his disapproval thereof such works shall in case of difference be constructed in accordance with plans and sections to be approved by the engineer appointed in manner herein-after provided.

(2.) The works shall be so executed so far as reasonably practicable as not in any way to impede or interfere with the traffic over or along any main road county or hundred bridge or any approaches thereto under the control or management of or vested in the council.

(3.) The Undertakers shall take all necessary steps at their own expense for protecting the public using such main road bridge or approach from injury and shall be liable for all damages or loss that may be incurred consequent upon their neglect or omission to provide such protection.

(4.) On completion of the work and on reinstatement to the reasonable satisfaction of the said surveyor of any such road or bridge (so far as affects the roadway over it) or approaches the Undertakers shall (notwithstanding anything contained in the Waterworks Clauses Act 1847) in lieu of keeping such road or bridge (so far as affects the roadway over it or

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approaches) in repair as provided by section thirty-two of that Act repay to the council all reasonable expenses of and incident to the maintenance and repair thereof for the period prescribed by the said section but if any difference arise with regard thereto the same shall be settled in manner herein-after provided.

(5.) Notwithstanding anything in this Order contained it shall be lawful for the council at any time or times on giving to the Undertakers one month's previous notice in writing to remove alter or renew any such county or hundred bridge or the approaches thereto in or over which any pipes or works of the Undertakers are carried in the same manner as they might have removed altered or renewed any such bridge or the approaches thereto if this Order had not been passed and such pipes had not been constructed or laid over such bridge without making any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of such removal alteration or renewal and in the event of any such bridge or the approaches thereto in or over which the said pipes or works are laid being removed altered or renewed as aforesaid the Undertakers shall at their own expense on receiving one month's notice in writing from the council alter the position of such pipes or works as aforesaid and place the same to the reasonable satisfaction of the said surveyor.

(6.) If any difference arise between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the cost of the reference shall be borne as he shall direct.

(7.) This section shall apply only to the district included within the new limits defined by this Order.

Differences with railway and other companies.

11. 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 other 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.

Costs of Order.

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

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