STATUTORY INSTRUMENTS

1973 No. 1669

WATER SUPPLY, ENGLAND AND WALES

The West Kent Water Order 1973

Made - - - 31*st August* 1973

Coming into Operation 29*th September* 1973

Whereas the Secretary of State for the Environment is empowered by section 9(1) of the Water Act 1945(**a**) as now vested in him(**b**) to make an order for the purposes hereinafter appearing but by virtue of the provisions of the said Act of 1945 the order will not come into operation until the provisions of paragraph 8 of Schedule 1 thereto have been complied with.

Now therefore the said Secretary of State, in exercise of the powers hereinbefore recited and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation.

1.—(1) This order may be cited as the West Kent Water Order 1973.

(2) The Sevenoaks and Tonbridge Water Acts and Orders 1878 to 1972 and this order may be cited together as the West Kent Water Acts and Orders 1878 to 1973.

Interpretation.

2.—(1) In this order unless the context otherwise requires—

"the added limits" means the areas described in Schedule 1 to this order;

"the Company" means until the day of transfer, the Sevenoaks and Tonbridge Water Company and thereafter the West Kent Water Company;

"the Corporation" means the mayor, aldermen and burgesses of the borough of Royal Tunbridge Wells;

"the day of transfer" means 1st October, 1st January, or 31st March, whichever first occurs after the coming into operation of this order;

"the existing limits" means the limits within which the Company are immediately before the day of transfer authorised to supply water;

"the limits of supply" means the limits within which the Company are for the time being authorised to supply water;

"the Order of 1948" means the Sevenoaks and Tonbridge Water Order 1948(**c**);

"the Order of 1957" means the Sevenoaks and Tonbridge Water Order 1957(**d**);

"the Order of 1959" means the Sevenoaks and Tonbridge Water Order 1959(**e**);

(**a**) 1945 c. 42.
(**b**) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).
(**c**) S I. 1948/1907. (**d**) S.I. 1957/1113.
(**e**) S.I. 1959/2282.

"the Order of 1960" means the Sevenoaks and Tonbridge Water Order 1960(a);

"the Order of 1967" means the Sevenoaks and Tonbridge Water Order 1967(b);

"the Order of 1972" means the Sevenoaks and Tonbridge Water Order 1972(c);

"the Tunbridge Wells undertaking" means the water undertaking of the Corporation as existing immediately before the day of transfer and includes (subject to the provisions of this order)—

(*a*) all the lands, buildings, waterworks, water, sources of supply, machinery, mains, pipes, meters, plant, spare parts, tools, apparatus, vehicles, stocks, stores, furniture and other real and personal property, assets and effects, rights, powers and privileges held or used by the Corporation wholly or mainly for or in relation to their water undertaking immediately before the day of transfer and all liabilities and obligations to which they were then subject for or in relation to that undertaking;

(*b*) the benefit of, and liabilities under, all contracts (other than contracts for the employment of officers and servants) in force immediately before the day of transfer in respect of the said undertaking;

(*c*) all registers, books, maps, plans, specifications, engineering reports and other documents relating solely to the said undertaking;

but does not include—

(i) any funds, money or securities for money of the Corporation whether invested or in hand other than such as may represent refundable deposits; or

(ii) any liabilities or obligations in respect of any sum borrowed by the Corporation for the purposes of their water undertaking (including a bank overdraft); or

(iii) the land coloured pink and edged red on the maps signed by M. J. H. Girling on behalf of the Corporation and H. Mercer on behalf of the Company;

"the Third Schedule" means the Third Schedule to the Water Act 1945;

"the undertaking" means the undertaking of the Company as for the time being authorised by any enactment.

(2) Except where the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this order.

Information to be supplied before transfer.

3.—(1) For the purposes of facilitating the transfer of the Tunbridge Wells undertaking to the Company the Corporation shall, within one month after receiving a written request from the Secretary of the Company, supply to him such information relating to the Tunbridge Wells undertaking and to the property to be transferred as he may reasonably require.

(a) S.I. 1960/1875. (b) S.I. 1967/938.
(c) S.I. 1972/147.

(2) Any question arising between the Company and the Corporation as to whether or not any information is reasonably required shall be determined by an arbitrator to be appointed either by agreement between the parties or, in default of agreement, by the President of the Institution of Civil Engineers.

Incorporation of enactments.

4.—(1) The Companies Clauses Consolidation Act 1845(**a**), except sections 56 to 60 (which relate to the conversion of borrowed money into capital), section 145 (which relates to the publication of penalties) and sections 161 and 162 (which provide for affording access to the special Act) and the Companies Clauses Act 1863(**b**) are so far as applicable for the purpose of and subject to the provisions of this order hereby incorporated with and form part of this order:

Provided that the said Act of 1863 shall have effect as if:—

(i) section 14 (which relates to dividends on preference capital) were incorporated subject to the modifications prescribed by section 4 (Modification of section 14 of the Companies Clauses Act 1863) of the Order of 1967; and

(ii) the words "and to the same amount as" were omitted from section 22 (which contains regulations as to the creation and issue of debenture stock).

(2) In the construction of the enactments so incorporated with this order the expressions "the special Act" and "the company" shall be read as references to this order and to the Company respectively.

(3) For the purposes of this order the provisions of section 94 of the Third Schedule to the Water Act 1945 (which relate to the deposit of copies of the special Act), shall apply to the undertaking and are hereby incorporated with this order.

Change of name of Company

5. The name of the Company shall be changed on the day of transfer to the "West Kent Water Company" and by that name the Company shall have a common seal.

Transfer of Tunbridge Wells undertaking.

6. Subject to the provisons of this order, on the day of transfer the Tunbridge Wells undertaking shall, by virtue of this order, be transferred to and vest in the Company and become part of the undertaking.

Consideration for transfer.

7. In consideration of the transfer to and vesting in the Company of the Tunbridge Wells undertaking the Company shall on the day of transfer or as soon as the amount to be paid has been ascertained pay to the Corporation:—

(*a*) the amount of the loans raised by the Corporation for the purposes of the Tunbridge Wells undertaking and outstanding on 31st March 1973;

(*b*) the amount of any expenditure incurred by the Corporation with the approval of the Company on capital account for the purposes of the Tunbridge Wells undertaking during the period commencing on 1st April 1973 and ending on the day of transfer;

(**a**) 1845 c. 16. (**b**) 1863 c. 118.

(*c*) an amount equal to the value at the day of transfer of all expendable stores and movable plant and equipment which immediately before the day of transfer were held on revenue account by the Corporation in respect of the Tunbridge Wells undertaking and which by this order are transferred to the Company; and

(*d*) the sum of twenty-five thousand pounds.

Payment of interest.

8. If the consideration for the transfer of the Tunbridge Wells undertaking or any part thereof is not paid on the day of transfer interest shall be payable thereon at the rate of 1 per cent above the rate equivalent to Bank of England minimum lending rate from time to time prevailing or at the rate of five per cent., whichever is the greater, less income tax, from that day to the date of payment.

Recovery and appointment of debts.

9.—(1) The Corporation shall be entitled to and may recover all water rates, rents, charges and other revenues and shall discharge and pay all debts, liabilities and other outgoings in respect of the Tunbridge Wells undertaking which accrue due or become payable before the day of transfer; and subject to the provisions of this order the Company shall be entitled to and may recover all such revenues and shall discharge or pay all such outgoings (other than liabilities which by paragraph (ii) of the definition of the Tunbridge Wells undertaking are not included in that undertaking) which accrue due or become payable on or after that day:

Provided that (except so far as may be otherwise agreed between the Company and the Corporation) so much of any amount recovered or paid by the Corporation by virtue of this section as is attributable to any period from or after the day of transfer shall (as the case may require) be paid by them to, or be repaid to them by, the Company, and so much of any amount so recovered or paid by the Company as is attributable to any period before the day of transfer shall (as the case may require) be paid by them to, or be repaid to them by, the Corporation.

(2) Where necessary for the purposes of this section, any revenues or outgoings shall be apportioned between the Corporation and the Company.

(3) Any question which may arise under this section shall be determined by an arbitrator to be appointed by agreement between the parties or, in default of agreement, by the President of the Institute of Chartered Accountants in England and Wales.

Saving of contracts.

10. Subject to the provisions of this order, as from the day of transfer all agreements, conveyances, contracts (other than contracts the benefit of and the liabilities under which are not transferred by this order), deeds and other instruments relating exclusively to the Tunbridge Wells undertaking entered into or made with or by the Corporation and in force at that date shall be read and construed and be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Corporation the Company had been a party thereto or bound thereby or entitled to the benefit thereof.

Saving of pending action.

11. Any action, arbitration or proceeding or any cause of action, arbitration or proceeding pending or existing on the day of transfer by or against or in favour of the Corporation shall so far as it relates to the

Tunbridge Wells undertaking not abate or be discontinued or be in anywise prejudicially affected by reason of the transfer to the Company of the Tunbridge Wells undertaking or of anything in this order but may so far as aforesaid be continued, prosecuted and enforced by or against or in favour of the Company as and when it might have been continued, prosecuted and enforced by or against or in favour of the Corporation if this order had not been made but not further or otherwise:

Provided that any water rate, rent, charge or other sum of money which becomes payable to the Corporation before the day of transfer may be sued for and recovered by the Corporation in the same manner in all respects as it might have been sued for and recovered if this order had not been made.

Books to remain evidence.

12. All books and documents which, if this order had not been made, would have been evidence in respect of any matter for or against the Corporation in relation to the Tunbridge Wells undertaking shall, as from the day of transfer, be admissible in evidence in respect of that matter for or against the Company.

Inspection, etc. of documents.

13. The Company shall be entitled to inspect and at their own expense to obtain copies of all registers, books, maps, plans, specifications, engineering reports and other documents not transferred by virtue of this order which relate to the Tunbridge Wells undertaking or any part thereof.

As to certain employees of Corporation.

14.—(1) The Company shall take over and employ as from the day of transfer the employees of the Corporation whose names are set out in Schedule 2 to this order if they are willing to enter into the service of the Company on terms and conditions, including terms relating to superannuation, not less favourable than those on which they were employed by the Corporation immediately before that day.

(2) Where at any time within three years after the day of transfer the Company consider it necessary in the interests of more efficient administration or organisation to require a person who has been taken into the service of the Company in pursuance of subsection (1) of this section to work at a place other than that at which he worked before the day of transfer, the Company shall reimburse that person for any removal expenses and increased travelling expenses which he may incur to such extent and for such period as shall be reasonable in the circumstances.

Compensation to officers and servants

15.—(1) For the purposes of the application of the Water Officers (Compensation) Regulations 1964(a) to any person in consequence of this order or anything done in pursuance thereof the compensating authority shall be—

(*a*) in the case of an officer (within the meaning of the said Regulations of 1964) mentioned in Schedule 2 to this order, the Company; and

(*b*) in any other case, the Corporation.

(2) For the purposes of the application as aforesaid of regulations 6(2), 7(1)(*a*), 12(2) and 13(1)(*a*) of the said Regulations of 1964 the material date shall be the day of transfer.

(a) S.I. 1964/26 (1964 I, p. 23).

Assets partly used for Tunbridge Wells undertaking.

16.—(1) If the Tunbridge Wells undertaking should be found to include—

(*a*) an asset which is held or used in part for the purposes of the Tunbridge Wells undertaking and in part for other purposes of the Corporation; or

(*b*) an asset which forms part only of a building or other property of the Corporation;

an agreement may before the day of transfer be entered into between the Company and the Corporation in relation to that asset and, without prejudice to the generality of this provision, any such agreement may—

(i) provide for the exclusion of the asset from the transfer;

(ii) provide for the inclusion in the transfer of other property of the Corporation in connection with which the asset is used;

(iii) provide for the joint user of the asset;

(iv) provide where necessary for the granting of easements or rights over or in respect of land to be transferred or land to be retained by the Corporation; and

(v) state the terms and conditions of such agreement (including payments to be made in respect thereof) and (if thought fit) the period for which it shall operate.

(2) Where any such agreement provides for the exclusion of the asset from the transfer or for the joint user of the asset such asset shall not be transferred to the Company by virtue of this order.

(3) Where any such agreement provides for the inclusion in the transfer of other property of the Corporation in connection with which the said asset is used, such property shall on the day of transfer or on a date stated in the agreement be transferred to the Company by virtue of this order.

(4) Where under subsection (1) of this section a question has arisen between the Corporation and the Company whether—

(*a*) an asset should be excluded from the transfer;

(*b*) there should be included in the transfer other property of the Corporation in connection with which the said asset is used; or

(*c*) the said asset should be used jointly;

and the matter has not been agreed between the Corporation and the Company before the day of transfer the said asset shall not on that day be transferred to the Company but may be used by the Company on such terms as may be agreed between the Corporation and the Company or failing agreement as may subsequently be determined by arbitration and in such a case—

(i) if it is afterwards agreed or determined by arbitration that the said asset shall be excluded from the transfer or shall be used jointly by the Corporation and the Company, subsection (2) of this section shall apply as if it had been so agreed before the day of transfer;

(ii) if it is afterwards agreed or determined by arbitration that the said asset shall be included in the transfer or that there shall be included in the transfer other property of the Corporation in connection with which the said asset is used, the

said asset or such other property (as the case may be) shall accordingly be transferred to the Company by virtue of this order on a date stated in such agreement or in the award of the arbitrator (as the case may be).

(5) In default of agreement between the Corporation and the Company on any matter referred to in this section, the question shall be referred to arbitration and the award of the arbitrator may provide for any matter for which an agreement under this section might have provided.

(6) For the purposes of any arbitration under this section the arbitrator shall, unless otherwise agreed between the parties, be appointed by the President of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other.

Maintenance of Tunbridge Wells undertaking.

17.—(1) Until the day of transfer the Corporation shall maintain and carry on the Tunbridge Wells undertaking as in the ordinary course of business and shall not without the consent of the Company which consent shall not be unreasonably withheld—

(*a*) enter into any contract or, subject to the provisions of this section, incur any liability in relation to the Tunbridge Wells undertaking otherwise than in the ordinary course of carrying on that undertaking extending beyond the day of transfer or incur any unnecessary expenditure or any exceptional expenditure other than expenditure reasonably incurred in respect of accountancy, engineering or legal costs in connection with the transfer of the Tunbridge Wells undertaking to the Company; or

(*b*) incur any capital expenditure in respect of the Tunbridge Wells undertaking; or

(*c*) reduce any water rates or charges which were being demanded or taken by them at the commencement of this order; or

(*d*) increase the remuneration, salaries, wages or emoluments of their officers or servants employed in connection with the Tunbridge Wells undertaking except in accordance with any contract of service or scale of remuneration or at the instance of any joint industrial council or other wage negotiating body.

(2) Any question whether or not any consent of the Company under subsection (1) of this section is unreasonably withheld shall be determined by an arbitrator to be appointed by agreement between the parties or, in default of agreement, by the President of the Institute of Chartered Accountants in England and Wales.

(3) Nothing in this order shall impose any liability on the Company in respect of anything done in contravention of this section.

Extension of limits of supply.

18. On and after the day of transfer the limits of supply shall include the added limits and the provisions of the Sevenoaks and Tonbridge Water Acts and Orders 1878 to 1972 shall with any necessary modifications and subject to the provisions of this order apply and have effect within the added limits and subject as aforesaid the Company within the added limits shall have and may exercise all and the like powers, rights, privileges and authorities and shall be subject to the like duties and obligations as they now have and are subject to within the existing limits:

Provided that:—

(*a*) nothing in this section shall be construed as extending or enlarging the scope of any of the provisions of the Sevenoaks and Tonbridge Water Acts and Orders 1878 to 1972 which only apply to or affect a specified portion of the existing limits or are otherwise specifically of limited application;

(*b*) in its application to the added limits, section 60 of the Third Schedule (which relates to the provision of cisterns in certain cases) as applied to the undertaking by section 3 (Incorporation of provisions of Third Schedule) of the Order of 1959 shall have effect as if the relevant date for the purposes of paragraph (*b*) of subsection (1) thereof were the day of transfer.

Differential charges.

19.—(1) During the period beginning on the day of transfer and ending on 31st December 1977:—

(*a*) any rate-poundage fixed by the Company in respect of water supplied to premises situate in the added limits shall be more than the standard rate by a percentage thereof not exceeding twenty per cent. in the first period and ten per cent. in the second period; and

(*b*) any charge per thousand gallons fixed by the Company in respect of water so supplied shall be more than the standard charge by an amount not exceeding 2p in the first period and 1p in the second period.

(2) If the day of transfer is 1st October 1973—

(*a*) subject to the provisions of subsection (1) of this section, the standard rate fixed by the Company in respect of the six months commencing on 1st July 1973 shall be deemed as from the day of transfer to apply to the added limits; and

(*b*) in relation to the period between the day of transfer and 31st December 1973 section 55 of the Third Schedule as incorporated with and applied to the Company by the Order of 1959 shall in its application to the added limits have effect as if the Company had not resolved that water rates are to be payable by equal half-yearly instalments.

(3) If the day of transfer is 1st January 1974, in relation to the period between 1st April and 30th June 1974 section 55 of the Third Schedule as incorporated with and applied to the Company by the Order of 1959 shall in its application to the added limits have effect as if the Company had not resolved that water rates are to be payable by equal half-yearly instalments.

(4) If the day of transfer is 31st March 1974—

(*a*) subject to the provisions of subsection (1) of this section, the standard rate fixed by the Company in respect of the year commencing on 1st January 1974 shall be deemed as from the day of transfer to apply to the added limits; and

(*b*) in relation to the period between the day of transfer and 30th June 1974 section 55 of the Third Schedule as incorporated with and applied to the Company by the Order of 1959 shall in its

application to the added limits have effect as if the Company had not resolved that water rates are to be payable by equal half-yearly instalments.

(5) In this section:—

"the first period" means the period commencing on the day of transfer and ending on 31st December 1975 and "the second period" means the period commencing on 1st January 1976 and ending on 31st December 1977;

"the standard rate" and "the standard charge" mean respectively the rate-poundage for the supply of water for domestic purposes and the charge for a supply of water by meter for the time being in force within the existing limits.

Transfer of licences under Water Resources Act 1963.

20. Any licence issued to the Corporation before the day of transfer under the Water Resources Act 1963(**a**) in so far as it is a licence to abstract water by means of works transferred by this order shall on the day of transfer be transferred by virtue of this order to the Company and the Company shall thereupon by virtue of section 32(5) of the said Act of 1963 to that extent become the holder of such licence for the purposes of that Act.

Power to maintain, etc., works.

21.—(1) The Company may as from the day of transfer continue and maintain the reservoirs, wells, boreholes, adits, pumping stations, mains, pipes and other works and apparatus transferred to them by virtue of this order.

(2) Any mains, pipes or other works transferred to the Company by virtue of this order shall for all purposes be deemed to have been laid or constructed by the Company.

(3) For the purposes of section 3 of the Third Schedule as applied to the undertaking by the Order of 1959, such of the works of the Corporation as are referred to in subsection (1) of this section shall be deemed to have been authorised by, and the lands on which those works are constructed to have been specified in, this order.

Determination of agreements between Company and Corporation.

22. As from the day of transfer any agreement which may on or immediately before that day be in force between the Company and the Corporation for or with respect to the supply of water in bulk by the Company to the Corporation shall cease to have effect.

Partial repeal and amendment of Royal Tunbridge Wells Acts and Orders.

23.—(1) As from the day of transfer, the provisions of the enactments specified in Part I of Schedule 3 to this order shall continue in force as respects the added limits to the extent to which they were in force immediately before the day of transfer and to such extent as aforesaid the Company within the added limits shall be subject to the obligations and may exercise the rights and powers imposed and conferred by the said provisions in all respects as if in those provisions the expressions "the undertakers" or "the Corporation" meant the Company and the expression "the undertaking" or any other expression referring to the water undertaking of the Corporation meant the undertaking as defined in this order.

(**a**) 1963 c. 38.

(2) The unrepealed provisions of the enactments set out in column (1) of Part II of the said Schedule shall as from the day of transfer be repealed to the extent shown in column (2) of the said Part.

Capital and borrowing powers.

24.—(1) Subject to and in accordance with the provisions of this order, the Company may from time to time raise by the creation and issue of share capital or by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock, or wholly or partly by any one or more of those modes respectively, such sums as, when added to any money raised by the issue of share capital before the commencement of this order or borrowed by the issue of loan capital before the commencement of this order and in either case outstanding at the date or respective dates on which the Company exercise the powers of this section, shall be sufficient to produce in the aggregate six million pounds.

(2) (*a*) The Company may raise sums by the creation and issue of share capital under subsection (1) of this section by the creation and issue of ordinary shares or preference shares or wholly or partly by one or more of these modes respectively.

(*b*) For the purposes of this section the amount raised or to be raised by the issue of any share capital shall be taken to be the amount which has been or will be raised as the case may be after taking into account any premiums or discounts which may be obtained or allowed on the issue or re-issue thereof.

(3) (*a*) For the purposes of this section the Company may, without obtaining any certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845, borrow money on mortgage of the undertaking:

Provided that the aggregate of any sums borrowed shall not (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock by the Company and still outstanding at the date or respective dates on which the Company exercise the powers of this section) exceed in the whole—

(i) the amount (including premiums and allowing for discounts) which for the time being has been raised by the Company by the issue of the share capital; and

(ii) with the consent of the Secretary of State for the Environment an additional amount not exceeding five per cent. of such first-mentioned amount;

(*b*) For the purposes of this subsection:—

(i) the sum of thirty-three thousand five hundred and sixteen pounds added on the conversion by section 4 (Conversion and consolidation of existing ordinary capital) of the Order of 1948 of the then existing ordinary capital into consolidated ordinary stock, and

(ii) the nominal amount of any ordinary or preference shares which have been or shall hereafter be issued for a consideration other than cash,

shall be deemed to have been raised by the Company by the issue of such consolidated ordinary stock or such ordinary or preference shares (as the case may be).

(4) The Company shall not pay interest on any moneys borrowed or debenture stock issued under this section at a higher rate than seven per cent. per annum or such higher rate as the Secretary of State for the Environment may from time to time allow:

Provided that the consent of the said Secretary of State shall not be required to the payment of interest on moneys borrowed by the Company on mortgage of the undertaking or by the issue of debenture stock at a rate higher than seven per cent. per annum if the rate is a fixed rate and is certified to the Company as being appropriate in the circumstances of the case by:—

(*a*) the firm of stockbrokers, being members of a recognised stock exchange (as defined in the Prevention of Fraud (Investments) Act 1958(**a**)), or the bankers who placed the mortgage or placed or underwrote the issue of debenture stock; or

(*b*) in the case of the raising of money on mortgage, an accountant or firm of accountants being either the duly appointed auditor or auditors of the Company or a person qualified to be so appointed.

(5) The unexercised powers of the Company for raising money by the creation and issue of additional share capital under the Sevenoaks and Tonbridge Water Acts and Orders 1878 to 1972 shall cease to be exercisable.

(6) In this section "share" includes stock and "share capital" shall be construed accordingly.

Application of provisions of Orders of 1948, 1957 and 1960.

25. The following provisions of the Order of 1948, the Order of 1957 and the Order of 1960, shall, with any necessary modifications, extend and apply to the exercise of the powers of this order as if re-enacted herein:—

The Order of 1948—

Section 22 (Existing mortgages to have priority);

Section 23 (Appointment of receiver);

Section 26 (Application of money).

The Order of 1957—

Section 6 (Additional share capital to be part of general capital).

The Order of 1960—

Section 6(1) (Debenture Stock).

Repeals.

26. The following local enactments are hereby repealed:—

(*a*) The Order of 1948—Section 18.

(*b*) The Order of 1957—Section 4.

(*c*) The Order of 1960—Section 4.

(*d*) The Order of 1964—Section 4.

(*e*) The Order of 1972—Section 4.

(**a**) 1958 c. 45.

Costs of order.

27. All costs, charges and expenses of and incidental to the application for and the preparation and making of this order (including all such costs, charges and expenses reasonably incurred by the Corporation after 18th October 1972) shall be paid by the Company and may in whole or in part be defrayed out of revenue.

SCHEDULE 1

Description of Added Areas

In the county of Kent—

The borough of Royal Tunbridge Wells

The urban district of Southborough

In the rural district of Tonbridge—

the parish of Bidborough;

the parish of Speldhurst except so much thereof as is within the limits of the Mid-Sussex Water Company;

so much of the parish of Capel as immediately before the coming into force of the Kent Review Order 1934 formed part of the parish of Tonbridge Rural or part of the urban district of Southborough;

so much of the parish of Pembury as lies within the circle having a radius of three miles from the centre of the western door of the Church of the Holy Trinity in Tunbridge Wells or as immediately before the coming into force of the Kent Review Order 1934 formed part of the parish of Tonbridge Rural.

In the rural district of Sevenoaks—

the parish of Penshurst except so much as is within the limits of supply of the East Surrey Water Company.

In the county of East Sussex—

so much of the parish of Frant in the rural district of Uckfield as is within a circle having a radius of three miles from the centre of the western door of the Church of the Holy Trinity in Tunbridge Wells.

SCHEDULE 2

Employees of Corporation to be Transferred to the Company

Patrick Alfred Barrow
Graham Richard Barwick
Richard Briggs
David Vincent John Budgen
Frederick Burley
Miss Pauline Gertrude Carden
Horace John William Carter
David William Couchman

William Bernard Drew
Geoffrey Michael Evans
Herbert Leslie Farr
Ernest George Fisk
Ronald Aubrey Glazier
Frederick Albert Kenneth Grainger
Malcolm John Gray
Reginald William Green
Reginald Stanley Green
William Herbert John Hancock
Robert Hatton
Ivan Harold Hinson
Clifford Hodges
George Stanley Ernest Hollamby
Eric Anthony Kerry
Arthur William Latter
Ronald John Latter
Desmond John Malthouse
Michael Edward Martin
Robert Barry Neeves
Pierre Alan Pepper
Morris James Rice
David John Rigby
Gerald Cecil George Roberts
Dominic Rodi
James William Henry Sharp
John William Smith
Sidney William Standen
Jack Still
David William Sutton
Raymond Pryer Taylor
Thomas Tilford
Francis Frederick Turner
Michael Warrener
Gordon Alfred Wells
Dennis Ivan Wheeler
Edward Leslie Whitehorn

SCHEDULE 3

PART I

ENACTMENTS APPLYING TO THE WATER UNDERTAKING OF THE CORPORATION SAVED FROM REPEAL

The Tunbridge Wells Water Act 1865(a)—

Section 15 (Power to Commissioners to make Works authorized by Act);

Section 16 (Works authorized);

Section 19 (Compensation to Medway Company for Diversion of Water);

Section 20 (For Protection of Estates of Lady Falmouth, &c.);

Section 21 (Restrictions as to Buildings on Earl of Abergavenny's Estate);

Section 22 (Agreements in Schedule to Act confirmed);

Section 60 (Supply of Water to E. of Abergavenny's Estate);

Section 61 (E. of Abergavenny to grant an Easement over his Estate if required for gravitating Line of Pipes from Tangiers Spring);

Section 84 (Saving Rights of Tunbridge Wells Gas Company);

Section 86 (Saving Rights of Lord of Hundred of Rotherfield);

Section 87 (Saving Rights of Lord of Manor of Rusthall and Commoners);

Schedule.

The Tunbridge Wells Corporation Act 1929(b)—

Section 6 (For protection of Mrs. E. A. Stather Hunt).

PART II

ENACTMENTS APPLYING TO THE WATER UNDERTAKING OF THE CORPORATION REPEALED

Enactments (1)	Extent of repeal (2)
The Tunbridge Wells Water Act 1865	The whole Act except the provisions thereof specified in Part I of this Schedule as saved from repeal.
The Order altering "The Tunbridge Wells Water Act 1865" in force within the district of the Tunbridge Wells Improvement Commissioners confirmed by the Local Government Supplemental Act 1867 (No. 5)(c)	The whole Order.

(a) 1865 c. cciv.

(b) 1929 c. xci.

(c) 1867 c. 83.

Enactments (1)	Extent of repeal (2)
The Tunbridge Wells Improvement Act 1890(a)	Part II.
The Tunbridge Wells Order 1897 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 14) Act 1897(b)	The whole Order except Article XI.
The Tunbridge Wells Order 1903 confirmed by the Local Government Board's Provisional Order Confirmation (No. 4) Act 1903(c)	The whole Order.
The Tunbridge Wells Order 1922 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 5) Act 1922(d)	The whole Order.
The Tunbridge Wells Order 1923 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 3) Act 1923(e)	The whole Order.
The Tunbridge Wells Corporation Act 1929	Paragraphs (*a*) and (*b*) of section 5 (Power to acquire lands); Part III; Part IV; Section 67 (Reserve fund for water undertaking); So much of section 68 (Application of provisions of previous enactments) as applies Articles 3 and 4 of the Tunbridge Wells Order 1923.
Kent Water Act 1955(f)	Part V; Part V of Schedule 4.
Royal Tunbridge Wells Water Order 1958(g)	The whole Order.
Royal Tunbridge Wells (Water Charges) Order 1972(h)	The whole Order.

(a) 18 c. ccxxxv.
(b) 1897 c. cxli.
(c) 1903 c. lxi.
(d) 1922 c. xli.
(e) 1923 c. xxxvi.
(f) 1955 c. xi.
(g) S.I. 1958/522.
(h) S.I. 1972/298.

Signed by authority of
the Secretary of State
31st August 1973

J. E. Beddoe,
An Under Secretary in
the Department of the
Environment.