STATUTORY INSTRUMENTS

1986 No. 1733

WATER, ENGLAND AND WALES

The West Kent Water Order 1986

Made - - - -	*26th September* 1986
Coming into Operation	*29th September* 1986

The Secretary of State for the Environment, in exercise of powers conferred by sections 23, 33 and 50 of the Water Act 1945 (**a**) and now vested in him (**b**), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1.—(1) This order may be cited as the West Kent Water Order 1986 and shall come into operation on 29th September 1986.

(2) The West Kent Water Acts and Orders 1878 to 1981 and this order may be cited together as the West Kent Water Acts and Orders 1878 to 1986.

Interpretation

2. In this order—

"the Company" means the West Kent Water Company;

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

"the Order of 1981" means the West Kent Water (Capital Powers) Order 1981 (**d**);

"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.

Modification of the Third Schedule

3. The Third Schedule as applied with modifications to the undertaking by section 3 of the Order of 1959 shall be amended as follows.

4. For section 48 (power to make additional charges) there shall be substituted the following section—

"48.—(1) Where water which the Company supply for domestic purposes, and in respect of which they charge a water rate—

(a) is used for watering a garden; or

(b) is used for horses, washing vehicles, or other purposes, in stables, garages or other premises where horses or vehicles are kept,

(**a**) 1945 c.42. (**b**) S.I. 1951/142, 1900, 1970/1681. (**c**) S.I. 1959/2282.
(**d**) S.I. 1981/1311.

the Company may, unless the water is drawn from a tap inside a house and no hosepipe or other similar apparatus is used, make such additional charges in respect of that use of the water as they think fit.

(2) Charges made under the provisions of this section shall be payable in such manner, on such dates and for such periods as the directors of the Company may determine and shall be recoverable in the manner in which water rates are recoverable.".

5. For section 55 (making and dates for payment of water rates) there shall be substituted the following sections—

"55.—(1) Undertakers who charge water rates under the special Act shall make such a rate by fixing in respect of a period of twelve months commencing on either the first day of January, the first day of April, the first day of July or the first day of October (hereinafter called "the relevant period"), the rate-poundage or, as the case may be, the scale of rate-poundages, by reference to which amounts due under the rate are to be calculated.

(2) Any rate made in respect of a relevant period shall be payable in respect of any premises by one of the following methods, namely—

(a) by equal half-yearly instalments on such dates within the first and seventh months of a relevant period as the undertakers may specify; or

(b) if the undertakers so resolve, and the person who is liable to pay the water rate in respect of any premises so elects—

(i) a single payment on or before such date within the relevant period as the undertakers may specify;

(ii) subject to subsection (10), not more than ten equal instalments at intervals of not less than one month on such dates within the relevant period as the undertakers may specify.

(3) A water rate made in respect of a relevant period shall, unless and until a new rate is made under subsection (1), continue to have effect in respect of each successive period of twelve months.

(4) If the person who, or who, but for the provisions of section 54, would be liable to pay any water rate, is in occupation of premises for part only of a relevant period, that person or, as the case may be, the owner of the premises, shall be liable to pay a due proportion of the rate calculated at a daily rate in respect of any period of occupation.

(5) If, and so long as, any water rate is payable by half-yearly instalments, no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the half-year in respect of which it has been demanded.

(6) Subject to subsections (4) and (5), where a person receives a supply of water to any premises either for the first time or after a discontinuance of supply, he shall be liable to pay any instalment or amount due in respect of the water rate on the day on which notice requiring the supply is given to the undertakers or, if no such notice is given, on the day when they commence the supply.

(7) A person who elects to pay a water rate in instalments in accordance with subsection (2)*(b)*(ii) shall give notice to that effect to the undertakers on or before such date within the relevant period as the undertakers may specify.

(8) Subject to subsection (9), a notice mentioned in subsection (7) shall continue to have effect in each subsequent relevant period until withdrawn by a further notice to the undertakers.

(9) A notice mentioned in subsection (7) shall cease to have effect if any payment or instalment is not made on or before the due date in a relevant period, and the undertakers give notice to that effect to the person in default and thereupon any sum due shall be recoverable by the undertakers as if a notice mentioned in subsection (7) had not been given.

(10) Where any water rate is payable by instalments the undertakers may adjust the amount of the first or last instalment so that no instalment comprises or includes an amount of less than a penny.

(11) In this section "specify" means set out in a written notice sent by the undertakers to a person liable to pay any water rate.

55A—(1) The undertakers may once only make a water rate by fixing a rate poundage in respect of a period of three months following the expiration of a relevant period mentioned in section 55.

(2) Any such rate shall be payable in full on the first day of that three month period.

(3) Subsections (4) and (6) of section 55 shall have effect in relation to a rate made in accordance with this section.".

6. In section 76 (reserve and contingency funds) there shall be substituted—

(a) in subsection (4), for the words "twelve and a half", the words "twenty five", and

(b) in subsection (5), for the words "one and a quarter", the words "two and a half".

7. In subsection (1) of section 77 (which places a limitation on the balance carried forward at the end of a year) there shall be inserted—

(a) in paragraph *(a)* after the word "dividend"; and

(b) in paragraph *(c)* after the word "dividends",

respectively, the words "together with the advance corporation tax associated therewith".

Maximum rates of dividend

8.—(1) The Company shall not in respect of any year pay dividends on their paid up share capital at rates greater than the following—

(a) on capital subscribed before the commencement of this order, the rates which they were empowered to pay immediately before that date,

(b) on capital subscribed during the initial period, 10% or such higher rate not exceeding 12% as the Secretary of State for the Environment may allow, and

(c) on capital subscribed after the expiration of the initial period, 7% or such higher rate not exceeding 12% as the Secretary of State may allow.

(2) The Company shall be entitled to pay a dividend on ordinary capital at rates greater than those mentioned in paragraphs *(b)* and *(c)* of subsection (1) to make up deficiencies in dividends payable in the preceding five years in respect of that capital.

(3) In this section the "initial period" means the period of 5 years beginning with the commencement of this order.

Maximum amount of temporary borrowings

9. In the proviso to section 7 (temporary borrowing) of the Order of 1981 there shall be substituted for the words "two hundred and fifty thousand pounds", the figure "£500,000".

Revocations

10. The orders mentioned in column 1 of the Schedule to this order are revoked to the extent mentioned in column 2.

Costs of order

11. The costs, charges and expenses of and incidental to the application for and the preparation and making of this order shall be paid by the Company and may in whole or in part be defrayed out of revenue.

SCHEDULE

Revocations

Column 1 (Order)	Column 2 (Extent of revocation)
The Order of 1959	Section 3(1)*(b)*, *(g)* (iii) and (iv).
The West Kent Water (No. 2) Order 1977(a)	The whole order.
The Order of 1981	section 6.

Signed by authority of the
Secretary of State.
26th September 1986.

J. Hobson,
An Under Secretary in the
Department of the Environment.

Printed for Her Majesty's Stationery Office by Albert Gait Ltd Dd. 0717981
850/G 7036/9100 WO P89 C8 10/86
80p net
ISBN 0 11 067733 1