



CHAPTER cxxxiv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Bolsover and District Water Goring and Streatley District Water Leatherhead and District Water Ludgershall Water and Mid-Kent Water. A.D. 1903.
[11th August 1903.]

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the 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 said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King'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 1903. Short title.

2. The 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 any city borough or urban district or in any parish Special pro-
visions as to
houses of
labouring
class.

A.D. 1903. or part of a parish not being an urban 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 which have been or shall be subsequently so occupied. If any Undertakers purchase or acquire any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by action in the High Court by the Local Government Board and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty :

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

SCHEDULE.

LIST OF ORDERS.

- BOLSOVER AND DISTRICT WATER.**—Order authorising the construction and maintenance of waterworks and the supply of water to and within the urban district and parish of Bolsover and portions of the parishes or places of Scarliffe and Palterton in the county of Derby.
- GORING AND STREATLEY DISTRICT WATER.**—Order empowering the Goring and Streatley District Gas and Water Company Limited to construct and maintain additional waterworks to extend their limits of water supply to raise additional water capital and for other purposes.
- LEATHERHEAD AND DISTRICT WATER.**—Order empowering the Leatherhead and District Waterworks Company to raise additional capital.
- LUDGERSHALL WATER.**—Order authorising the construction and maintenance of waterworks and the supply of water in the parish of Ludgershall in the county of Wilts and of Kimpton in the county of Southampton.
- MID-KENT WATER.**—Order empowering the Mid-Kent Water Company to extend their limits of supply.

BOLSOVER AND DISTRICT WATER.

A.D. 1903.

Order authorising the construction and maintenance of Waterworks and the supply of Water to and within the Urban District and Parish of Bolsover and portions of the Parishes or Places of Scarecliffe and Palterton in the County of Derby.

Bolsover and District.

1. This Order may be cited as the Bolsover and District Water Order 1903. Short title.

2. 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. Incorporation of Acts.

3. The several words terms and expressions to which by the Acts 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: Interpretation.

Provided always 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:

In this Order—

The term "premises" shall mean and include any house building or land in to or through which water is supplied under the authority of this Order;

The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

4. 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 and urban district of Bolsover and portions of the parishes or places of Scarecliffe and Palterton all in the county of Derby more particularly defined upon the map deposited with the Board of Trade for the purposes of this Order. Limits of Order.

5. If at any time after the expiration of three years from the commencement of this Order the Undertakers are not furnishing within the limits defined by this Order 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 Where Undertakers not furnishing sufficient supply local authority or company may supply.

[Ch. cxxxiv.] *Water Orders Confirmation Act, 1903.* [3 EDW. 7.]

A.D. 1903. 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.

—
*Bolsover
and District.*

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. 6. The Bolsover 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."

Capital.

Capital. 7. The capital of the Undertakers shall not for the purposes of the water undertaking authorised by this Order exceed fifteen 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.

8. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking authorised by this Order shall not at any time exceed in the whole five 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 passing of the Act confirming this Order and secured as aforesaid.

Lands.

Power to
acquire lands.

9. The Undertakers may by agreement purchase and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking authorised by this Order and they may by agreement purchase and use any other lands and any easements rights or privileges in over or affecting any lands which they may require for such purposes Provided always that they shall not at any time hold for such purposes more than ten acres of land and that they shall not create or permit a nuisance on any lands held by them.

Persons under
disability may
grant ease-
ments &c. to
Undertakers.

10. 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 and to such easements rights or privileges as aforesaid.

Construction of Waterworks.

A.D. 1903.

11. The Undertakers may on the lands shown on the deposited plans when the same have been acquired by them make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works hereinafter described with all necessary approaches fences embankments excavations mains pipes tanks sluices culverts dams weirs outfalls valves wells pumps and other works conveniences and appliances connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

Bolsover and District.
Power to construct water-works and supply water.

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

- (1) A pumping station and plant incidental thereto softening plant low-level service and storage tanks pumping and service mains and other conveniences and appliances situate in the parish and urban district of Bolsover in the county of Derby in the field numbered 1042 on the $\frac{1}{25000}$ Ordnance map (second edition 1898) of that parish such works being on the south side of the southern boundary fence of the Lancashire Derbyshire and East Coast Railway:
- (2) A line of pipes or pumping main commencing at the pumping station before described and leading into a high-level service tank situate in the parish of Scarecliffe in the rural district of Blackwell in a field numbered 300 on the $\frac{1}{25000}$ Ordnance map (second edition 1898) of that parish at a point on the eastern side of and adjoining the public road (Flash Lane) leading from Bolsover to Palterton:
- (3) A high-level service tank situate as before described and distributing mains proceeding therefrom and extending in and under the aforesaid public road (Flash Lane) in a northerly and southerly direction:

Together with all necessary wells tanks storage reservoir filter beds shafts sluices valves discharge pipes drains channels mains pipes stand pipes apparatus buildings pumping stations engines pumps softening plant works and conveniences connected with or incidental to the works above described or any of them Provided always that nothing in this section shall exonerate the Undertakers from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

12. 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 and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or seven feet downwards Provided that no conduit or line of pipes shall be raised above the surface of the ground unless so shown on the deposited sections and then only to the extent so shown.

Limits of deviation.

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

Period for completion of works.

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A.D. 1903. may alter enlarge deepen and extend their engines machinery tanks wells pipes buildings and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

—
*Bolsover
and District.*

For protection
of Lancashire
Derbyshire
and East
Coast Railway
Company.

14.—(1) All works to be done by the Undertakers in the exercise of the powers conferred by this Order or in effecting the repairs and renewals of any mains pipes or other works which the Undertakers may be authorised to lay down and execute upon across over under or in any way affecting the railway of the Lancashire Derbyshire and East Coast Railway Company or any of the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the said company or any land or property now or hereafter belonging to the said company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said company and only according to plans and sections to be first submitted to and in such manner as shall previously be reasonably approved by him but in all things by and at the expense of the Undertakers who shall also restore and make good the roads over any such bridges level crossings and approaches which the said company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers and all such works matters and things shall be constructed executed and done so as to cause no injury to such railways bridges level crossings viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railway or at any station thereon and if in consequence of the execution of such works any injury be caused to such railways bridges level crossings approaches viaducts stations works lands or property or any interruption be caused to such traffic by reason of any such acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge level crossing or other property the Undertakers shall make full compensation in respect thereof to the said company the amount of such compensation together with full costs to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable.

(2) The cost of all watchmen and of all matters and things which it may in the opinion of the said engineer be necessary to provide or do for the protection of the said railway and works during the construction or repair of any works by the Undertakers shall be borne and paid by the Undertakers.

(3) The Undertakers shall at their own cost from time to time when so required in writing by the said company alter the position of any of the pipes appliances or works on the land of the said company if in the opinion of the said engineer such alteration shall be necessary or desirable for the purpose of better securing the safety of the railway and works of the said company or of enabling any widening or other alteration in such railway or works to be made. And the Undertakers shall at all times keep their works in good repair order and condition to the satisfaction of the said engineer.

(4) The Undertakers shall at all times keep the said company indemnified from all loss damage or liability which may be incurred or arise in

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A.D. 1903.
—
*Bolsover
and District.*
Rates for supply 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 (which shall include one watercloset in respect of which no additional charge shall be made) at rates not exceeding the rates hereinafter specified (that is to say):—

In respect of a tenement or part of a tenement situate within the parish and urban district of Bolsover—

Where the rateable value of the premises so supplied with water does not exceed five pounds at a rate not exceeding six shillings per annum ;

Where such rateable value exceeds five pounds and does not exceed seven pounds at a rate not exceeding eight shillings and sixpence per annum ;

Where such rateable value exceeds seven pounds and does not exceed nine pounds at a rate not exceeding ten shillings per annum ;

Where such rateable value exceeds nine pounds and does not exceed ten pounds at a rate not exceeding twelve shillings and sixpence per annum ;

Where such rateable value exceeds ten pounds and does not exceed twelve pounds at a rate not exceeding fifteen shillings per annum ;

Where such rateable value exceeds twelve pounds and does not exceed thirteen pounds at a rate not exceeding fifteen shillings and sixpence per annum ;

Where such rateable value exceeds thirteen pounds and does not exceed fourteen pounds at a rate not exceeding sixteen shillings and tenpence per annum ;

Where such rateable value exceeds fourteen pounds and does not exceed fifteen pounds at a rate not exceeding eighteen shillings per annum ;

Where such rateable value exceeds fifteen pounds and does not exceed sixteen pounds at a rate not exceeding nineteen shillings and twopence per annum ;

Where such rateable value exceeds sixteen pounds and does not exceed seventeen pounds at a rate not exceeding twenty shillings and fourpence per annum ;

Where such rateable value exceeds seventeen pounds and does not exceed eighteen pounds at a rate not exceeding twenty-one shillings and sixpence per annum ;

Where such rateable value exceeds eighteen pounds and does not exceed nineteen pounds at a rate not exceeding twenty-two shillings and eightpence per annum ;

Where such rateable value exceeds nineteen pounds and does not exceed twenty-four pounds at a rate not exceeding twenty-four shillings per annum ;

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*Bolsover
and District.*

Where such rateable value exceeds twenty-four pounds at a rate per centum per annum not exceeding five pounds ;

In respect of a tenement or part of a tenement situate outside the parish and urban district of Bolsover at such higher rates as do not exceed the rates above specified by more than twenty per centum ;

and so in proportion for any shorter period in each case.

The rateable value shall for the purposes of this section be ascertained by the valuation list for the time being in force in the parish or district in which the premises in respect of which the water rate is made is situate and if there be no such valuation list then by the last rate for the relief of the poor in respect of such premises.

Provided that the Undertakers shall not be compelled to furnish any such supply for a less sum than six shillings in any one year and that where the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

20. The Undertakers may charge in respect of every watercloset beyond the first on any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every bath capable of containing not more than fifty gallons an additional sum not exceeding ten shillings per annum and for every bath capable of containing more than fifty gallons such additional sum as the Undertakers may think fit and for every horse an additional sum not exceeding five shillings per annum and for every cow an additional sum not exceeding two shillings per annum and for every four-wheeled carriage an additional sum not exceeding six shillings per annum and for every two-wheeled carriage an additional sum not exceeding four shillings per annum and such additional sums may be received with and as part of and recovered by the same means as the rate for the supply of water for domestic purposes.

Rates for
waterclosets
and baths.

21.—(A) The Undertakers may make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the contamination waste or misuse of water supplied by them and amongst other things to prescribe the size nature and strength of the pipes cocks cisterns and other apparatus whatsoever to be used and to interdict any arrangements and the use of any pipes cocks cisterns or other apparatus which may tend to such contamination waste or misuse as aforesaid Provided always that no such regulations shall have effect unless and until they have been approved by the Local Government Board who are hereby empowered to confirm the same.

Regulations
to be made for
preventing
waste of water
&c.

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*Bolsover
and District.*

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

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

(d) In case of failure of any person to obey such regulations as are for the time being in force the Undertakers may if they think fit after twelve hours' notice in writing enter and by and under the direction of their duly qualified officer repair replace or alter any pipes cocks cisterns or other apparatus whatsoever belonging to or used by any person supplied by them 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 the Undertakers summarily.

Water supplied
by agreement.

22. The Undertakers may by agreement supply any local authority company or person without the limits of supply with water in bulk or otherwise for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such local authority company or person but notwithstanding any such agreement no such local authority company or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water within the limits of supply for domestic purposes under this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on not less than one month's notice in writing. Provided always that nothing herein contained shall authorise the Undertakers to lay down or place any pipe or conduit or to break up any road or street or to execute any work in any district beyond the limits of supply without the consent in writing of the local authority and the road authority of such district or to supply or to continue to supply water within the limits of supply of any local authority company or person now or hereafter empowered by Act of Parliament or by Provisional Order confirmed by Act of Parliament to supply water without the consent in writing of such local authority company or person first had and obtained.

Supply of
water by
measure.

23. 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 price of such meter or other instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Provided always that the price to be charged to private consumers

[3 EDW. 7.] *Water Orders Confirmation Act, 1903.* [Ch. cxxxiv.]

for a supply of water for other than domestic purposes shall not exceed tenpence per thousand gallons and that the price to be charged to the Bolsover Urban District Council for a supply of water for cleansing the sewers and drains cleansing and watering the streets and for any public baths or wash-houses or for any other public purposes whatsoever within the district of the said council shall not exceed eightpence per thousand gallons.

A.D. 1903.
*Bolsover
and District.*

24. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their 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.

Undertakers
to keep meters
&c. in repair.

25. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima 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 always 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 the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Register of
meters &c. to
be evidence.

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

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

27. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe.

When several
houses sup-
plied by one
pipe each to
pay.

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

Supply of
water to
tenements
in a row.

29. The Undertakers may if they think fit require that a separate pipe be laid into each house supplied by them with water.

Undertakers
not bound
to supply
several houses
by one pipe.

A.D. 1903. 30. A notice to the Undertakers from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and left at the principal office for the time being of the Undertakers.

Bolsover and District.
Notice of discontinuance.

Penalties.

Injuring meters.

31. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers or commits any breach of any authorised regulation against waste or contamination of the water supplied by the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending (notwithstanding any contract previously existing) and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

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

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

Miscellaneous.

Incoming tenant not liable to pay arrears.

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

has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. A.D. 1903.

34. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several names and several sums. *Bolsover and District.*
Several names in one summons.

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

36. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order. Liability to water rate not to disqualify justices from acting.

37. If at any time after the expiration of the period of ten years from the commencement of this Order the Bolsover Urban District Council shall give not less than six months' notice in writing to the Undertakers of the council's desire to purchase the waterworks of the Undertakers and shall apply to Parliament or the Local Government Board for power to purchase the said undertaking then it shall not be lawful for the Undertakers to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Undertakers shall sell to the said council their undertaking (including in such description all lands works utensils and things of the Undertakers used by them for the purposes of the undertaking) upon terms of paying to the Undertakers a sum in gross being the par value of the capital which shall have been expended on and then invested in the undertaking. Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided by Parliament : Purchase of undertaking by Bolsover Urban District Council.

Provided that after the completion of such purchase all obligations on the part of the Undertakers to supply water within the limits of supply under this Order shall cease and determine. The notice requiring the Undertakers to sell shall not be given except in pursuance of a resolution passed at a special meeting of the council and no such resolution shall be valid unless one month's previous notice of the meeting and of the purport thereof has been given in manner in which notices of meetings of the council are required by law to be given nor unless two-thirds of the members of the council are present and vote at the meeting and a majority of those present and voting concur in the resolution and it shall be lawful for the chairman of any such meeting with the consent of the majority of the members present to adjourn the same from time to time.

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. Costs of Order.

A.D. 1903.

GORING AND STREATLEY DISTRICT WATER.

Goring and Streatley District. *Order empowering the Goring and Streatley District Gas and Water Company Limited to construct and maintain additional Waterworks to extend their Limits of Water Supply to raise additional Water Capital to change the Name of the Company and for other purposes.*

Short title. 1. This Order may be cited as the Goring and Streatley District Water Order 1903.

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 Goring and Streatley District Gas and Water Order 1888 and the Goring and Streatley District Gas and Water Order 1902 (in this Order respectively referred to as "the Order of 1888" and "the Order of 1902") as by this Order amended 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 and the several Acts incorporated with the Order of 1888 or the Order of 1902 respectively shall be deemed to be incorporated with this Order.

Incorporation of Acts. 4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the Undertaking) and the Waterworks Clauses Acts 1847 and 1863 are except where expressly varied by this Order incorporated with and form part of this Order. For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

Interpretation. 5. 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:

In this Order the expressions "deposited map" "deposited plans" and "deposited sections" used in relation to the water undertaking by this Order authorised shall mean respectively the map plans and sections deposited for the purposes of this Order.

Undertakers. 6. The Goring and Streatley District Gas and Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Limits of Supply.

Extension of limits of supply. 7. The Undertakers may supply water and shall have and may exercise subject to the provisions of this Order within the extended district herein-

after defined all and the like powers privileges and authorities for and in relation to the supply of water including the levying of rents rates and charges and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Order of 1888 and the expression "limits of supply" in the Order of 1888 shall from and after the commencement of this Order be deemed to include the said extended district and the expression "limits of supply" in this Order means the district within which the Undertakers are by virtue of the Order of 1888 and this Order authorised to supply water.

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District.*

The following is the extended district (viz.):—

The parishes of Kidmore South Stoke Checkendon Ipsden North Stoke Mongewell Newnham Murren Crowmarsh Gifford and Benson in the county of Oxford except any outlying and disconnected portions of any of such parishes respectively.

8. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish 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 as extended by this Order 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.

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

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

Acquisition of Lands.

9. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans and described in the Schedules A and B to this Order annexed as they may require for the purposes of their water undertaking and they may by agreement purchase or take on lease and use any other lands and any easements rights or privileges not being easements rights or privileges to take water in which persons other than the grantors have an interest in over or affecting any lands which they may require for such purposes Provided that they shall not at any time hold for such purposes more than six acres of land in the whole and that they shall not create or permit a nuisance on any lands held by them.

Power to acquire lands by agreement.

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Waterworks.

*Goring and
Streatley
District.*
Construction
of works.

10. The Undertakers may on the lands described in the Schedules A and B to this Order and in the lines and according to the levels shown on the deposited plans and sections make and maintain the works hereinafter described with all necessary machinery meters valves conduits connections approaches embankments roads filtering beds hydrants bore-holes pumps tanks wells dams sluices culverts mains pipes engines and all works and conveniences connected therewith (that is to say):—

In the parish of Goring and county of Oxford—

Work (A)—A filtering or softening tank at the existing pumping station of the Undertakers on land belonging to them and in their own occupation :

Work (B)—A reservoir and pumping station on land belonging to and in the occupation of the Undertakers (described in Schedule A to this Order) adjoining and to the north-east of their existing reservoir.

In the parish of South Stoke and county of Oxford—

Work (C)—A covered high-service reservoir to be called “the Greenmoor Hill Reservoir” situate at Greenmoor Hill on land belonging to the Undertakers and described in Schedule B to this Order :

Work (D)—A pumping or rising main in the parishes of Goring and South Stoke in the county of Oxford commencing at the intended pumping station “Work (B)” hereinbefore described and terminating in the intended Greenmoor Hill Reservoir :

A conduit or line of pipes (No. 1) commencing in the said Greenmoor Hill Reservoir and terminating in the road leading to Goring at the western boundary of Elvendon Farm in the parish of Goring :

A conduit or line of pipes (No. 2) commencing in the parish of South Stoke by a junction with (No. 1) in the road leading from Woodcote to Goring Heath at the point thereon where the said (No. 1) leaves the property of the Undertakers and terminating in the Wallingford Road at the county boundary in the village of Crowmarsh Gifford :

A conduit or line of pipes (No. 3) in the parish of Goring commencing by a junction with (No. 1) in the road leading from Woodcote to Goring Heath at the junction thereof with the road leading to Eastfield Lane and terminating in the said Goring Heath Road opposite the post office in the village of Goring Heath :

A conduit or line of pipes (No. 4) in the parish of Goring commencing by a junction with (No. 1) in Eastfield Lane at the junction of that lane with the road from Woodcote to Cray’s Pond and terminating in the same road opposite the Stag and Hounds :

A conduit or line of pipes (No. 5) commencing in the parish of South Stoke by a junction with (No. 2) at the four cross roads at Woodcote thence along the road through Woodcote past the schools to Checkendon and Stoke Row and terminating in that road at or near Newland Lane in the parish of Ipsden :

[3 EDW. 7.] *Water Orders Confirmation Act, 1903.* [Ch. cxxxiv.]

A conduit or line of pipes (No. 6) in the parish of South Stoke commencing by a junction with (No. 2) at the said cross roads at Woodcote and terminating in the South Stoke and Goring Road at the Goring parish boundary :

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A conduit or line of pipes (No. 7) commencing in the parish of South Stoke by a junction with (No. 5) in the Woodcote to Checkendon Road at the junction therewith of Exlade Street thence along Exlade Street and terminating in the parish of Kidmore :

A conduit or line of pipes (No. 9) commencing in the parish of Crowmarsh Gifford by a junction with (No. 2) at the point in the Wallingford main road where the same turns off to Benson and terminating in the Ewelme Road at the point of junction of Braze Lane with that road in the parish of Benson.

11. 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 (including the footpath on either side thereof) 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 and the Undertakers shall not raise any aqueduct or line of pipes above the surface of the ground unless the same be so shown on the deposited sections and then only to the extent so shown.

Lateral and
vertical deviation.

12. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this Order the Undertakers may alter enlarge deepen and extend their tanks wells pipes filters filter beds machinery and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Limit of time
for construc-
tion of works.

13. The provisions contained in section 58 of the Order of 1888 for the protection of the Great Western Railway Company shall extend and apply to the limits of supply by this Order extended and to the mains or pipes which the Undertakers may lay down under the authority of this Order as if the same provisions had been re-enacted in this Order with reference thereto.

Extending
provisions for
protection of
Great Western
Railway Com-
pany.

14. If any difference arise between the Undertakers and any road authority (other than the Great Western Railway Company) railway or other company whose lands or works the Undertakers have powers to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their 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.

Differences
with road au-
thorities or rail-
way or other
companies.

[Ch. cxxxiv.] *Water Orders Confirmation Act, 1903.* [3 EDW. 7.]

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For protection
of Conserva-
tors of River
Thames.

15. For the protection of the Conservators of the River Thames (in this section referred to as "the Conservators") the following provisions shall have effect (that is to say):—

- (A) The Undertakers shall not supply water in bulk or otherwise outside or for distribution consumption or use outside the counties of Berks and Oxford:
- (B) 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.

Supply.

Undertakers
not bound to
supply water
above a certain
level.

16. The water supplied by the Undertakers shall be constantly laid on under pressure but need not at any time be delivered at a greater height than can be reached by gravitation from the Greenmoor Hill Reservoir.

Charges for
supply above a
certain height.

17. Notwithstanding anything contained in the Order of 1888 the Undertakers shall be entitled to charge in respect of all water supplied by them at a greater height than twenty feet below the sill of their existing reservoir the following rates and sections 37 38 and 43 of the Order of 1888 shall be read and construed as though such rates were included therein (that is to say):—

For domestic purposes (which shall include one watercloset) where the rateable value of the premises so supplied with water does not exceed five pounds the sum of ten shillings per annum;

Where such rateable value exceeds five pounds and does not exceed ten pounds at a rate per centum per annum not exceeding ten pounds;

Where such rateable value exceeds ten pounds and does not exceed twenty pounds at a rate per centum per annum not exceeding nine pounds ten shillings;

Where such rateable value exceeds twenty pounds and does not exceed forty pounds at a rate per centum per annum not exceeding nine pounds;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds at a rate per centum per annum not exceeding eight pounds ten shillings;

Where such rateable value exceeds sixty pounds and does not exceed one hundred pounds at a rate per centum per annum not exceeding eight pounds;

Where such rateable value exceeds one hundred pounds at a rate per centum per annum not exceeding seven pounds ten shillings;

and so on in proportion for any shorter period in each case:

In the case of an inn or hotel (public or private) where the rateable value exceeds ten pounds at a rate not exceeding fifteen pounds per centum

per annum upon such rateable value and so on in proportion for any shorter period. Provided also that the Undertakers shall not be required to furnish any such supply as aforesaid for any less sum than twenty shillings in any one year nor for a less period than twelve months :

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*Goring and
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For and in respect of every watercloset beyond the first an additional sum not exceeding six shillings and sixpence per annum and for every bath an additional sum not exceeding twenty shillings per annum. For baths containing as usually filled for use a greater quantity of water than fifty gallons but not exceeding seventy gallons an additional sum of two pounds 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. Such rateable value shall be ascertained and such additional sums shall be payable and recoverable in like manner as in the said sections 37 and 38 mentioned :

For public purposes to any road or sewer authority referred to in section 43 of the Order of 1888 at a rate not exceeding two shillings and sixpence for every one thousand gallons and for such purposes the Undertakers shall provide and fix meters and connect the same with their mains at the cost of the authority requiring the same.

18. The Undertakers may enter into and carry into effect agreements with any local authority company or persons in the counties of Berks and Oxford for the supply of water within or beyond the limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given beyond the limits of supply except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply.

Contracts for
supply of water
in bulk.

Additional Water Capital.

19. Notwithstanding the limitation prescribed by the Order of 1902 with respect to the amount of the share capital of the Undertakers for the purposes of the water undertaking the Undertakers may for such purposes raise by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one of those modes additional capital (in this Order referred to as "the additional water capital") not exceeding thirty-eight thousand pounds including any premium that may be obtained on the sale of any such shares or stock. Provided that the share capital of the Undertakers in respect of their water undertaking shall not exceed in the whole fifty-four thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional
capital.

[Ch. cxxxiv.] *Water Orders Confirmation Act, 1903.* [3 EDW. 7.]

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New shares or
stock to be
offered by auc-
tion or tender.

20. The Undertakers shall when any shares or stock forming part of the additional water capital are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or stock of the Undertakers are 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 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 reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved 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 except that if any bidding or offer by tender of any holder of shares or stock be the same in amount as any bidding or offer made by any other person the bidding or offer of such holder of shares or stock shall be accepted in preference.

Purchase
money to be
paid within
three months.

21. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

Notice to be
given as to
sale of shares
or stock.

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

Shares or
stock not sold
by auction or
by tender to be
offered to
holders of
ordinary shares
or stock.

23. 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 reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or stock in the capital of the Undertakers for the purposes of the water undertaking in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any shares or stock 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 or stock forming part of the additional water capital and the reserved price put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any

[3 EDW. 7.] *Water Orders Confirmation Act, 1903.* [Ch. cxxxiv.]

shares or stock not then sold shall be again offered to the holders of ordinary shares or stock at the last-mentioned reserved price and so on until the whole of such shares or stock is sold.

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24. Any sum of money which may arise by way of premium from the issue of any shares or stock under the provisions of this Order 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 water undertaking or in paying off money borrowed or owing on mortgage by the Undertakers in respect of the said undertaking and shall not be considered as part of the capital of the Undertakers entitled to dividend. Provided that in any case where a power to create an insurance fund is made proportionate to the paid-up capital the premium received from the sale of shares or stock by auction or tender as hereinbefore provided shall for such purpose be reckoned as part of the paid-up capital.

Application of premium arising on sale of shares or stock.

25. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the additional water capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital and such dividends are in this part of this Order referred to as "the prescribed rates."

Limits of dividend on additional capital.

26. So much of section 18 of the Order of 1902 applying section 13 of the Order of 1902 to the additional water capital authorised to be raised by that Order is hereby repealed and the following provision shall be in force.

Dividends on different classes of shares or stock.

If in any year or half-year in case the Undertakers pay a dividend half-yearly the net revenues of the water undertaking of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed dividends on the original ordinary capital authorised to be raised by the Order of 1888 and the additional ordinary capital authorised to be raised by the Order of 1902 and this Order respectively for the purposes of the water undertaking such revenues shall be applied in the first place in paying a dividend on all ordinary water capital of the Undertakers actually paid up not exceeding seven pounds per centum per annum and the balance (if any) shall be applied in paying a dividend upon the said original ordinary capital actually paid up.

27. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking shall not at any time exceed in the whole one-third part of the amount of the capital of the Undertakers for the purpose of the water undertaking actually raised by the issue of shares or stock including any premium 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.

Limit of borrowing powers.

A.D. 1903. 28. All moneys raised under this Order shall be applied to the purposes of the water undertaking authorised by the Order of 1888 and this Order to which capital is properly applicable.

*Goring and
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District.*

Application
of moneys.

Change of Name of the Undertakers.

Change of
name.

29. From and after the commencement of this Order the name of the Undertakers shall subject to the provisions of the Companies Act 1862 be changed to "Thames Valley and Goring Water and Gas Company Limited."

Costs of Order.

30. All the costs charges and expenses of and incidental to the application for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers and charged exclusively on the capital of their water undertaking.

The SCHEDULES referred to in the foregoing Order.

SCHEDULE A.

All that piece of land belonging to and in the occupation of the Undertakers containing on the north side one hundred and eighty feet or thereabouts on the east side two hundred and twenty feet or thereabouts and on the south side one hundred and thirty feet or thereabouts situate at Cleve in the parish of Goring in the county of Oxford being part of the field numbered 417 on the 25-inch Ordnance map (2nd edition 1899) adjoining the existing reservoir of the Undertakers and formerly part of Grove Farm in the occupation of William Snell as tenant.

SCHEDULE B.

All that piece or parcel of land situate in the parish of South Stoke in the county of Oxford being part of the field No. 131 on the 25-inch Ordnance map (2nd edition 1899) (being the north-east portion of such field) and forming part of Greenmoor Hill Farm in the said parish and now or late in the occupation of George Bastin containing on the north side three hundred and seventy-two feet or thereabouts on the west side one hundred and twenty feet or thereabouts and on the east side fifty feet or thereabouts and also a piece of land forming an approach thereto on the west side from the road from Woodcote to Goring Heath of the width of twelve feet being also part of the said Field No. 131.

LEATHERHEAD AND DISTRICT WATER.

A.D. 1903.

Order empowering the Leatherhead and District Waterworks Company to raise additional Capital.

Leatherhead and District.

1. This Order may be cited as the Leatherhead and District Water Order 1903. Short title.

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." Commencement of Order.

3. The Leatherhead and District Waterworks Act 1883 (in this Order referred to as "the Act of 1883") and the Leatherhead and District Water Order 1890 (in this Order referred to as "the Order of 1890") 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. Construction of Order.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 1888 and 1889 with respect to the several matters following (that is to say) :— Incorporation of Acts.

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 and the Companies Clauses Act 1869 as amended by subsequent Acts are (except where expressly varied by this Order incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall mean this Order and the term "the Company" shall mean the Undertakers.

A.D. 1903.

Undertakers.

*Leatherhead
and District
Undertakers.*

5. The Leatherhead and District Waterworks Company incorporated by the Act of 1883 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

Confirming
issue of certain
capital issued
in excess of
powers of
Order of 1890.

6. The creation and issue of capital to the amount of six thousand five hundred and seventy-three pounds three shillings in excess of the amount of twelve thousand five hundred pounds which the Undertakers were authorised by the Order of 1890 to create and issue and shares therein numbered 3289 to 3750 are hereby confirmed and shall notwithstanding anything contained in the Order of 1890 be deemed to have been legally created and issued and to have been properly vested in the persons to whom the same were issued and are hereby declared to have been and to be subject and entitled to and to confer upon the persons in whose names they purport to be registered all the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the same formed part of the capital which the Undertakers were authorised to create and issue under the provisions of the Order of 1890.

Additional
capital.

7. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1883 and the Order of 1890 and the sum of six thousand five hundred and seventy-three pounds three shillings capital in the last preceding section mentioned (in this Order referred to as "the existing capital") the Undertakers may—

- (1) Raise any further sums not exceeding in the whole thirty-two 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 new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained on the sale thereof as hereinafter 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 premium which may be obtained on the sale thereof the sum of thirty-two thousand pounds. Provided also that the Undertakers shall not raise by the issue of preference shares or stock a greater amount of the new capital than sixteen thousand pounds; and
- (2) Borrow on mortgage in respect of the new capital of thirty-two 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 eight thousand pounds and the Undertakers may as each sum of eight thousand pounds of such new capital has

been issued and accepted and one half of the amount payable in respect of such sum has been paid up borrow on mortgage in respect of each such sum of eight thousand pounds any sum or sums not exceeding in the whole two thousand pounds but in no case shall any part of the said respective sums of two thousand pounds be borrowed until shares or stock for so much of the new capital in respect of which such borrowing powers are sought to be exercised are issued and accepted 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 shares or stock for the whole of the new capital in respect of which such borrowing powers are sought to be exercised have been issued and accepted and that one half of the amount payable in respect thereof has been paid up and upon production to such justice of the books of the Undertakers and of 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.

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—
*Leatherhead
and District.*

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.

As to conversion of borrowed money into capital.

9. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the 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 the new capital were part of the original capital of the Undertakers of the same class or description and the shares or stock therein were shares or stock in that capital.

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

10. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may 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 reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved 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 except that if the

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

[Ch. cxxxiv.] *Water Orders Confirmation Act, 1903.* [3 EDW. 7.]

A.D. 1903. bidding or offer by tender of any holder of shares or stock shall be the same in amount as the bidding or offer of any other person for the same lot the bidding or offer by tender of such holder shall be accepted in preference.
Leatherhead and District.

Purchase money of capital sold to be paid within three months. 11. It shall be one of the conditions of any sale of shares or stock under this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

Notice to be given as to sale of shares or stock. 12. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock not sold by auction or by tender to be offered to holders of ordinary shares or stock. 13. 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 reserved 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 and the reserve put upon such stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal value thereof 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 reserved price and so on until the whole of such shares or stock is sold.

Application of premium arising on sale of shares or stock. 14. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on additional capital. 15. The Undertakers shall not in any year make out of their profits any larger dividend on the new capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

[3 EDW. 7.] *Water Orders Confirmation Act, 1903.* [Ch. cxxxiv.]

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 capital of the Undertakers a proportionate reduction shall be made in the dividend of each such class.

A.D. 1903.

—
*Leatherhead
and District.*

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

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

Debenture
stock.

18. All mortgages granted by the Undertakers under the authority of the Act of 1883 and the Order of 1890 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Act and Order have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers and notwithstanding anything in the said Act or Order contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Act or Order or this Order shall rank *pari passu*.

Existing mort-
gages to have
priority.

19. 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.

Limit of
interest on
moneys
borrowed.

20. Section 20 of the Order of 1890 (For appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or any proceedings then pending and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or of principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

Appointment
of a receiver.

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*Leatherhead
and District.*
Application of
money.

21. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Act of 1883 to which capital is properly applicable.

Costs of Order.

22. 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.

LUDGERSHALL WATER.

Ludgershall. Order authorising the construction and maintenance of Waterworks and the supply of Water in the Parish of Ludgershall in the County of Wilts and of Kimpton in the County of Southampton.

Short title.

1. This Order may be cited as the Ludgershall Water Order 1903.

Commence-
ment 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. The several words terms and expressions to which by the Acts 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 :

In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

Limits of
Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be so much of the parish of Ludgershall in the county of Wilts lying to the north of the Midland and South Western Junction Railway and to the south of the said railway as is edged pink on the plan deposited with the Board of Trade and the whole of the parish of Kimpton in the county of Southampton edged blue on the said plan.

Where Under-
takers not fur-
nishing suffi-
cient supply
local authority
or company
may supply.

6. If at any time after the expiration of five years from the commence-
ment of this Order the Undertakers are not furnishing or prepared on
demand to furnish a sufficient supply of water in accordance with the
provisions of this Order in any part of the district of any local authority

[3 EDW. 7.] *Water Orders Confirmation Act, 1903.* [Ch. cxxxiv.]

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 to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no Undertakers authorised by this Order to supply water therein.

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Ludgershall.

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

Undertakers.

7. Walter Vavasour Faber of Brewery House Weyhill in the county of Southampton and Edward Henry Jellett of Beckett House East Street Andover in the said county and their executors administrators and assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if the undertaking is at any time assigned to any other body company or person such body company or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Undertakers.

Capital.

8. The capital of the Undertakers for the purposes of the water undertaking authorised by this Order shall not exceed fifteen 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.

Capital.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their water undertaking authorised by this Order shall not at any time exceed in the whole three thousand seven hundred and fifty pounds and no higher rate of interest than five per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of borrowing powers.

10. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking authorised by this Order and

Power to use and acquire lands and easements.

[Ch. cxxxiv.] *Water Orders Confirmation Act, 1903.* [3 EDW. 7.]

A.D. 1903. they may by agreement purchase take on lease acquire and use any other
Ludgershall. lands and any easements rights or privileges (not being easements rights or
privileges to take water in which persons other than the grantors have an
interest) in over or affecting any lands which they may require for such
purposes. Provided always that they shall not create or permit a nuisance
on any lands held by them and that they shall not at any time purchase
for such purposes more than five acres of land. Provided always that no
building shall be erected on such lands except such as are required for the
purposes of the undertaking.

Power to im- 11. The Undertakers may subject to the provisions of this Order take
pound water. and collect by means of the works by this Order authorised to be constructed
and used for the purposes of their undertaking the waters of or arising in
or flowing from a spring or well in lands in the parish of Ludgershall
numbered 7 on the $\frac{1}{25000}$ Ordnance map (2nd edition 1900) for that parish
and belonging or reputed to belong to the Undertakers.

Persons under 12. Persons empowered by the Lands Clauses Acts to sell and convey
disability may or release lands may if they think fit subject to the provisions of the said
grant ease- Acts grant to the Undertakers any easement right or privilege (not being
ments &c. to an easement right or privilege of taking water in which parties other than
Undertakers. the grantors 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
and to such easements rights or privileges as aforesaid.

Construction of Waterworks.

Power to con- 13. The Undertakers may on lands belonging to them and any other
struct water- lands shown on the deposited plans when the same have been acquired by
works and sup- them make and maintain in the lines and according to the levels shown on
ply water. the deposited plans and deposited sections the works hereinafter described
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 are situate
in the parish of Ludgershall in the county of Wilts and of Kington in the
county of Southampton and are as follows:—

- (A) A well or wells and pumping station and works situate or to be
situate in the pieces or parcels of ground belonging to the Under-
takers bounded on the north by the Devizes and Andover turnpike
road on the east by lands belonging to the Undertakers on the south
by the Midland and South Western Junction Railway Company and
on the west by lands of Sir Richard Hungerford Pollen Baronet;
- (B) A service reservoir to be situate in the aforesaid pieces or parcels of
ground;
- (C) A main conduit or line of pipes (No. 1) commencing at the intended
pumping station and works and terminating at or near the point on
the Ludgershall Everley Road near or east of the bridge crossing the

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Midland and South Western Junction Railway shown by the surface level 426 on the $\frac{1}{25000}$ Ordnance map of the said parish (2nd edition 1900):

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—
Ludgershall.

(D) A main conduit or line of pipes (No. 2) commencing at or near the south-west corner of High Street and terminating at or near a point midway between Saint James Street and the bridge by which the Ludgershall Tidworth Road crosses the Midland and South Western Junction Railway :

(E) A main conduit or line of pipes (No. 3) commencing at the intended pumping station works and terminating at or near the point on the Ludgershall and Andover Road shown by surface level 404 on the said map and about twelve chains north-west of the sixth milestone from Andover :

Together with all conduits mains connections branch mains filters pumps tanks goits culverts embankments cuts drains sluices walls fences water-towers engines machinery pipes meters valves hydrants washouts street boxes and every appliance whatsoever for conveying water from the works and distributing the same throughout the said parishes.

14. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and they 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 to or have been acquired by them under the provisions of this Order deviate beyond such limits laterally and vertically to such extent as they may think necessary. Provided that the Undertakers shall not raise any aqueduct or line of pipes above the surface of the ground unless so shown on the deposited sections and then only to the extent so shown.

Limits of deviation.

15. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870. Provided always that subject to the restrictions and provisions of this Order the Undertakers may alter enlarge and extend their pumping station reservoirs filters conduits pipes mains connections and other works by this Order authorised in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

Completion of works.

16. For the protection of the Midland and South Western Junction Railway Company (hereinafter called "the railway company") the following provisions shall have effect :—

For protection of Midland and South Western Junction Railway Company.

Ten days before commencing to lay down any mains or pipes or other works or (except in case of urgent necessity) to execute or effect any

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repair or renewals of any mains or pipes or other works crossing the railway viaducts or other works or level crossings over the railway and being the property of the railway company a plan and section shall be submitted to the engineer of the railway company and shall be reasonably approved by him in writing or in the event of such engineer failing to signify his approval or disapproval or giving such other directions within ten days after submission of such plan as aforesaid he shall be deemed to have approved the same and in the event of any difference thereon arising between the railway company and the Undertakers such works shall be executed in such manner as shall unless otherwise agreed be determined as in the next succeeding section provided. Such works shall be executed in accordance with such plan and section as shall be approved and under the superintendence of and subject to the reasonable approval of the said engineer of the railway company. Provided that except with the consent of the railway company no mains or pipes shall be laid along the permanent way of the railway company or the lands belonging to the railway company on either side thereof either above ground or under ground. Provided also that no objection shall be made by the railway company to the mains or pipes being carried across the line either above ground or under ground or through or over land the property of the railway company and adjoining the line for the purpose of crossing the line provided the main is carried through or over such ground by the shortest route or by a route to be mutually determined subject to their being carried over or under a bridge or through any culvert by means of iron mains or through any embankment by means of iron mains running through a culvert and if any question shall arise as to the mode of carrying such mains and pipes across the railway the same shall be settled as in the next succeeding section provided.

Differences
with road
authority or
railway or
other company.

17. If any difference arises between the Undertakers and any road authority railway canal or other company whose land 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 or pipes or as to the facilities to be afforded for the same or as to any other matter herein referred to the same shall be settled by an engineer 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 shall be laid on constantly under pressure but 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.

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 (which shall include one watercloset in respect of which no additional charge shall be made) at rates not exceeding the rates specified in this section and for the purposes thereof every part of an incompleated quarter shall be reckoned and charged for as a quarter :—

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Ludgershall.

Rates of supply
for domestic
purposes.

Where the rateable value of the premises so supplied with water does not exceed five pounds at a rate not exceeding eight shillings and eightpence per annum ;

Where the rateable value exceeds five pounds but does not exceed ten pounds at a rate not exceeding thirteen shillings per annum ;

Where such rateable value exceeds ten pounds and does not exceed thirty pounds at a rate not exceeding seven pounds and ten shillings per centum per annum on such rateable value ;

Where such rateable value exceeds thirty pounds and does not exceed seventy pounds at a rate not exceeding seven pounds per centum per annum on such rateable value ;

Where such rateable value exceeds seventy pounds at a rate of six pounds per centum per annum on such rateable value ;
and so in proportion for any shorter period reckoned as a quarter or quarters.

The rateable value shall for the purposes of this section be ascertained by the valuation list for the time being in force in the parish or district in which the premises in respect of which the water rate is made are situate and if there be no such valuation list then by the last rate for the relief of the poor in respect of such premises.

Provided that the Undertakers shall not be compelled to furnish any such supply for a less sum than eight shillings and eightpence in any one year and that they shall not be entitled in any case to demand for the water rate of any premises or part of any premises included in any division of the above scale a greater sum of money than they would be entitled to demand if such premises were of just such higher rateable value as would bring it within another division of the said scale and that where the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

20. The Undertakers may charge in respect of every watercloset beyond the first in respect of which no charge shall be made on any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every bath an additional sum not exceeding ten shillings

Rates for
waterclosets
and baths.

A.D. 1903. per annum such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate :
Ludgershall.

Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths but the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons.

Regulations to be made for preventing waste &c. of water.

21.—(A) The Undertakers may make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the contamination waste or misuse of water supplied by them and amongst other things to prescribe the size nature and strength of the pipes cocks cisterns and other apparatus whatsoever to be used and to interdict any arrangements and the use of any pipes cocks cisterns or other apparatus which may tend to such contamination waste or misuse as aforesaid. Provided always that no such regulations shall have effect unless and until they have been approved by the Local Government Board who are hereby empowered to confirm the same. Provided also that such regulations shall only be in force 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.

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

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

(D) In case of failure of any person to obey such regulations as are for the time being in force the Undertakers may if they think fit after forty-eight hours' notice in writing enter and by and under the direction of their duly qualified officer repair replace or alter any pipes cocks cisterns or other apparatus whatsoever belonging to or used by any person supplied by them 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 the Undertakers summarily.

Not bound to supply several houses with one pipe.

22. The Undertakers may if they think fit require that a separate pipe be laid into each house supplied by them with water.

Notice of discontinuance.

23. A notice to the Undertakers from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and left at the principal office for the time being of the Undertakers.

Water supplied by agreement to local authorities and others.

24. The Undertakers may supply any local authority company or person without the limits of supply with water in bulk for such remuneration

[3 Edw. 7.] *Water Orders Confirmation Act, 1903.* [Ch. cxxxiv.]

and upon such terms and conditions as may be agreed upon between the Undertakers and such local authority company or person but notwithstanding any such agreement no such local authority company or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for the requirements of the inhabitants within the limits of supply under the provisions of this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on not less than six calendar months' notice in writing. Provided always that nothing in this section contained shall authorise the Undertakers to lay down or place any pipe or conduit or to break up any road or street or execute any work in any district beyond the limits of supply without the consent of the local and road authority of such district or to supply or to continue to supply water within the limits of supply of any local authority company or person now or hereafter empowered by Act of Parliament or by any Provisional Order confirmed by Act of Parliament to supply water without the consent in writing under seal of such local authority company or person first had or obtained.

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Ludgershall.

25. The Undertakers may if they think fit enter into agreements for the supply of water by measure 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 price of the meter such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Provided that the price to be charged for a supply of water by measure shall not exceed one shilling and sixpence per thousand gallons.

Supply of water
by meter.

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

Undertakers to
keep meters in
repair

27. Where water is supplied by measure the register of every meter or other instrument for measuring water supplied by the Undertakers or permitted by them to be used shall be prima facie evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers. Provided always that if the Undertakers and the consumer differ as to the quantity consumed such difference shall be determined upon the application of either party by two justices who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such justices shall be final and binding on all parties.

Register of
meters to be
evidence.

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A.D. 1903. 28. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing" of the owner or reputed owner of any such house or of the agent of such "owner" were omitted therefrom. Provided always 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.

Ludgershall.
Amendment of
10 & 11 Viet.
c. 17. s. 44.

When several houses supplied by one pipe each to pay. 29. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe. Provided always 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 and premises.

Supply of water to tenements in a row.

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

Penalties.

Injuring meters &c.

31. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fittings belonging to the Undertakers or who fraudulently alters the index to any meter or prevents any meter 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 or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or prevented any meter from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Undertakers by the offender and may be recovered by them as water rates are recoverable and the existence of artificial means for

[3 EDW. 7.] *Water Orders Confirmation Act, 1903.* [Ch. cxxxiv.]

causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter or fittings.

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Ludgershall.

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

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

Miscellaneous.

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

Incoming tenant not liable to pay arrears.

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

Several names in one summons.

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

Warrant of distress to include costs.

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

Liability to water rate not to disqualify justice from acting.

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.

Costs of Order.

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A.D. 1903.

MID-KENT WATER.

Mid-Kent.

Order empowering the Mid-Kent Water Company to extend their Limits of Supply.

- Short title. 1. This Order may be cited as the Mid-Kent Water Order 1903.
- 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 Mid-Kent Water Act 1898 (in this Order referred to as "the Act of 1898") the Mid-Kent Water Act 1900 (in this Order referred to as "the Act of 1900") the Mid-Kent Water Order 1901 (in this Order referred to as "the Order of 1901") the Mid-Kent Water Order 1902 (in this Order referred to as "the Order of 1902") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.
- Incorporation of Acts. 4. The Waterworks Clauses Acts 1847 and 1863 are except where the same are expressly varied by this Order incorporated with and form part of this Order. For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.
- Interpretation. 5. The several words terms and expressions to which by any Act 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.
- Undertakers. 6. The Mid-Kent Water Company incorporated by the Act of 1898 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. 7. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits namely the parishes of Linton Boughton-Monchelsea Langley Otham Ulcombe Frinsted Wyehling Borden-Tunstall Bredgar Milsted Kingsdown and Boughton-Malherbe all in the county of Kent for or in relation to the supply of water all the like powers privileges and authorities and be subject to all the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of the Act of 1898 as extended by the Act of 1900 and the Order of 1901 and the Order of 1902 and from and after the commencement of this Order the limits of the Act of 1898 as extended by the Act of 1900 and the Order of 1901 and the Order of 1902 shall be deemed to include the said new limits.
- Where Undertakers not furnishing sufficient supply local authority or company may supply. 8. If at any time after the expiration of two 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

[3 EDW. 7.] *Water Orders Confirmation Act, 1903.* [Ch. cxxxiv.]

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.

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Mid-Kent.

9. The Undertakers shall not purchase acquire or sink any well or collect take impound or use any streams or surface water or any underground springs or waters in the parishes of Frinsted Bredgar Borden Milsted Kingsdown and Tunstall or in any other parish within four miles of the town hall of Sittingbourne unless expressly authorised so to do by Parliament.

For protection of councils of urban districts of Milton and Sittingbourne and Messrs. Edward Lloyd Limited.

10. If and whenever the Undertakers in the exercise of any power in that behalf possessed by them sink any well in any parish within the new limits of supply as defined by this Order they shall before supplying water obtained from such well to any other part of the said new limits furnish continuously at the same rates and upon the same conditions as the Undertakers are bound to supply water within their existing limits of supply to the inhabitants of that parish such water as may be demanded by them for their reasonable sanitary and domestic requirements.

Supply of water to parishes within which any well is sunk.

11.—(1) Whenever the Undertakers shall exercise the power conferred by the Waterworks Clauses Act 1847 of breaking up any main road within the new limits of supply for the purpose of laying or repairing or removing pipes the Undertakers shall as soon as the work is completed fill in the trenches and forthwith notify the Kent county surveyor thereof and the road or footpath shall thereupon be reinstated and made good by the said surveyor and all expenses properly incurred by such surveyor in reinstating the said road or path during a period of not more than twelve months in the whole from the time when the said surveyor shall have been so notified as aforesaid shall be paid by the Undertakers to the Kent County Council. Provided that nothing herein contained shall prejudice or affect the rights of the Undertakers or the said council or the obligations of the Undertakers under the Waterworks Clauses Act 1847 and the Local Government Act 1888.

For protection of Kent County Council.

(2) Any alteration repair or improvement of any of the bridges or roads repairable by the county council of Kent or any alteration of or in the position of the same may be made as if this Order had not been made and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Order authorised to be made or placed in over or through any of the bridges or roads aforesaid or necessitates any support either temporary or permanent to any such works the Undertakers shall after fourteen days notice in writing by the county surveyor on behalf of the said county council forthwith make such alteration or afford such support at their own expense.

12. The provisions of section 14 of the Mid-Kent Water Order 1888 shall be deemed to apply to any works constructed by the Undertakers under the

For protection of South Eastern and

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A.D. 1903. authority of this Order and the exercise of the powers of this Order as if
the said provisions were re-enacted in this Order. Provided that the pro-
visions of sections 14 and 15 of the said Order shall so far as regards any
works constructed by the Undertakers under the authority of this Order and
the exercise of the powers of this Order also enure for the protection and
benefit of the London Chatham and Dover Railway Company as if that
company had been expressly mentioned in the said sections.

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London
Chatham and
Dover Railway
Companies.

Costs of Order. 13. 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.

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
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