



CHAPTER clxxxvi.

An Act to confirm certain Provisional Orders made A.D. 1904.
by the Board of Trade under the Gas and Water
Works Facilities Act 1870 relating to Bradfield Water
Cholderton and District Water Elham Valley Water
Frimley and Farnborough District Water and North
Sunderland Waterworks. [15th August 1904.]

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

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 Short title.
Act 1904.

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.

A.D. 1904.
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SCHEDULE.

LIST OF ORDERS.

BRADFIELD WATER.—Order authorising the maintenance of waterworks and the supply of water in the parish of Bradfield in the county of Berks.

CHOLDERTON AND DISTRICT WATER.—Order authorising the construction and maintenance of waterworks and the supply of water in the parish of Cholderton in the county of Wilts and parts of the parishes of Bulford in the same county and of Shipton Bellinger Thrupton Aimport and Quarley all in the county of Southampton.

ELHAM VALLEY WATER.—Order authorising the construction of waterworks and the supply of water to and within the parishes and places of Lyminge Elham Postling Stanford and Saltwood all in the county of Kent.

FRIMLEY AND FARNBOROUGH DISTRICT WATER.—Order empowering the Frimley and Farnborough District Water Company to extend their limits of supply and raise additional capital and for other purposes.

NORTH SUNDERLAND WATERWORKS.—Order authorising the construction and maintenance of waterworks and the supply of water in the parishes of Fleetham Elford and North Sunderland and parts of the parishes of Ellingham Chathill and Swinhoe in the county of Northumberland.

BRADFIELD WATER.

A.D. 1904.

Order authorising the maintenance of Waterworks and the supply of Water in the parish of Bradfield in the county of Berks.

Bradfield.

1. This Order may be cited as the Bradfield Water Order 1904.

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 provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are except where the same are expressly varied by this Order hereby incorporated with and form part of this Order and the said provisions of the last-mentioned Acts shall apply as well to the pipes and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order as to any pipes or works which may be laid down or constructed under the authority of this Order.

Incorporation of Acts.

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.

Interpretation.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Bradfield in the county of Berks.

Limits of Order.

6. 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 included within the limits of supply other than so much of the said parish of Bradfield as is hereinafter described 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 purposes 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.

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

The portion of the parish of Bradfield hereinbefore mentioned comprises the properties or enclosures numbered respectively 110 to 116 both inclusive 118 to 129 both inclusive and 131 to 140 both inclusive on the $\frac{1}{2500}$ Ordnance map (1899) of the said parish.

A.D. 1904.

Bradfield.

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

Undertakers.

Undertakers.

7. Herbert Watney of Buckhold Pangbourne Berks his heirs executors administrators or assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided also that if at any time the undertaking is assigned to any body company or person such body company or person shall from the date of such assignment thereof 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 assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Capital.

Capital.

8. The capital of the Undertakers for the purposes of the water undertaking authorised by this Order shall not exceed seven thousand five hundred 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.

Lands.

Power to
acquire lands.

9. The Undertakers may by agreement purchase take on lease acquire and use any lands and any easements rights or privileges (not being an easement right or privilege to take water in which persons other than the grantors have an interest) in over or affecting any lands which they may require for the purposes of their undertaking Provided that they shall not create or permit a nuisance on any lands so held by them and that they shall not at any time hold for such purposes more than five acres of land in addition to the lands held by them at the commencement of this Order.

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 right or privilege of water in which persons other than 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 or to such easements rights or privileges as aforesaid.

Maintenance of Waterworks.

A.D. 1904.

11. Subject to the proviso hereinafter contained the Undertakers may on the lands upon which the same are situate if and so long as they are possessed of the said lands or of their existing rights powers and interest therein and thereover maintain and continue their existing waterworks hereinafter described and subject as aforesaid may alter enlarge renew and improve the same with all mains pipes machinery and other works connected therewith and necessary for the supply of water and they may subject to the provisions of this Order supply and sell water for domestic and other purposes within the limits of supply.

Bradfield.
Power to maintain existing works and to supply water.

The existing waterworks hereinbefore referred to are—

- (a) The works machinery and apparatus at present used for utilising and distributing a supply of water from St. Andrew's Well at or near the corn mill in the parish of Bradfield ;
- (b) The cemented tank in Hog Copse also in the said parish ;
- (c) The reservoir at Red Hill also in the said parish ;
- (d) The well now in course of construction in the field numbered 200 on the $\frac{1}{2500}$ Ordnance map (2nd edition 1899) of the said parish ;

together with all mains pipes culverts apparatus machinery and appliances connected with the said well reservoir and tank :

Provided always that as between the Undertakers on the one hand and the owners for the time being of the lands (other than those of the Undertakers) on which the existing waterworks aforesaid are situate on the other hand nothing in this Order contained shall operate to add to detract from extend diminish or affect any such rights powers and interests of and with respect to taking water laying and maintaining pipes and otherwise as may now belong to the Undertakers under and by virtue of an indenture dated the 20th day of October 1883 and made between George William Colebrooke and John Perrin of the first part William Burchell Henry Charles Finch George Finch and John de Haviland of the second part and Robert Pudney of the third part.

The Undertakers shall within two years from the commencement of this Order make a tank at Tutts Clump in the field numbered 512 on the said Ordnance map such tank to have a capacity of not less than 15,000 gallons and they may thereafter maintain alter enlarge renew and improve the same with all mains pipes machinery and other works connected therewith and necessary for the supply of water.

12. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade.

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

A.D. 1904

Supply.

Bradfield.
Limits of pressure.

13. 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 service reservoir or tank from which the supply is taken and it shall be in the discretion of the Undertakers in every case to determine the particular service reservoir or tank from which the supply is to be taken.

Rates for domestic supply.

14. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say):—

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

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

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

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

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

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

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

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

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

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

may charge for water supplied by them for domestic purposes shall be in accordance with such order.

A.D. 1904.

Bradfield.

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

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

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

15. In addition to the foregoing charges the Undertakers may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply to which a supply of water is furnished by the Undertakers a sum not exceeding five shillings per annum and for every fixed bath an additional sum not exceeding ten shillings per annum. Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of ten shillings increased in proportion to the size of such bath but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water and such additional sums are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Rates for
waterclosets
and baths.

16. The Undertakers shall not be bound to supply with water otherwise than by measure any workhouse hospital or other large public institution provided that Bradfield College shall not be deemed for the purposes of this section to be a public institution.

Supply by
meter in
certain cases.

Where the Undertakers refuse to supply with water any workhouse hospital or other large public institution as aforesaid otherwise than by measure they shall on the application of the occupier or other person having the charge thereof supply the same with sufficient water for domestic or any other purposes at a rate not exceeding one shilling and threepence for every thousand gallons and the moneys payable to the Undertakers under this section shall be recoverable in the same manner as rates due to the Undertakers for water. Provided that the Undertakers shall not be compelled to afford to any premises a supply of water by measure for a less sum in any one quarter of a year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure. Provided also that nothing in this section contained shall prejudice alter or vary the agreement during its continuance entered into by the Undertakers as to the supply of water to Bradfield Workhouse or shall be

A.D. 1904. held to affect the price to be charged by the Undertakers for such supply during the continuance of such agreement.

Bradfield.

Regulations
for preventing
waste &c. of
water.

17. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

The said provisions are as follows :—

- (1) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :
- (2) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :
- (3) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit :
- (4) 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 :
- (5) 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 :
- (6) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours' notice in writing enter and by and

under the direction of their duly 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 :

A.D. 1904.

Bradfield.

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

18. 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 Provided always that nothing in this section contained shall authorise the Undertakers to supply water in bulk to any local authority company or person outside the county of Berks other than and except the Tilehurst Pangbourne and District Water Company Limited and the Thames Valley and Goring Water and Gas Company Limited.

Water supplied
by agreement.

19. 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 that the price to be charged for a supply by measure shall not exceed one shilling and ninepence per thousand gallons.

Supply of
water by
measure.

Bradfield.
Undertakers
to keep meters
&c. in repair.

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

Register of
meters &c. to
be evidence.

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

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

22. 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 such houses had been separately supplied with water from the works of the Undertakers by a distinct pipe :

Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of
water to tene-
ments in a
row.

23. 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.

Undertakers not
bound to supply
several houses by
one pipe.

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

Notice of dis-
continuance.

25. 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.

As to taking
water from
River Thames.

26. Nothing in this Order shall authorise the Undertakers to 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 of the River Thames.

Penalties.

Injuring
meters.]

27. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for

measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers 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.

A.D. 1904.

Bradfield.

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

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

Miscellaneous.

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

Incoming tenant not liable to pay arrears.

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

Several sums in one summons.

31. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the

Warrant of distress to include costs.

A.D. 1904. 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.
Bradfield.

Liability to water rate not to disqualify justices from acting.

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

Costs of Order.

33. 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.

CHOLDERTON AND DISTRICT WATER.

Cholderton and District.

Order authorising the construction and maintenance of Waterworks and the supply of water in the parish of Cholderton in the county of Wilts and parts of the parishes of Bulford in the same county and of Shipton Bellinger Thruxton Amport and Quarley all in the county of Southampton.

Short title.

1. This Order may be cited as the Cholderton and District Water Order 1904.

Commencement of Order.

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

Incorporation of Acts.

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

Interpretation.

4. The several words terms and expressions to which by 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

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

the whole of the parish of Cholderton in the county of Wilts and so much of the parish of Bulford in the same county and of the parishes of Shipton Bellinger Thruxton Amport and Quarley all in the county of Southampton as are edged green on the plan deposited with the Board of Trade.

A.D. 1904.

*Cholderton
and District.*

6. 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 pure and wholesome water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district 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.

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 purity or wholesomeness 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. Henry Charles Stephens of Cholderton Lodge Cholderton in the county of Wilts his 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 at any time the undertaking is 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 twelve 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

Limit of borrowing powers.

A.D. 1904. any time exceed in the whole three thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Cholderton and District.

Lands.

Power to use and acquire lands and easements.

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 they may by agreement purchase take on lease acquire 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 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 ten 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 impound water.

11. The Undertakers may subject to the provisions of this Order take 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 Thruxton in the county of Southampton numbered 87 on the 1/2500 Ordnance map (2nd edition 1901) of that parish and belonging or reputed to belong to the Undertakers and the waters of or arising in or flowing from a spring or well in lands in the parish of Shipton Bellinger in the county of Southampton numbered 70 on the 1/2500 Ordnance map (2nd edition 1896) of that parish and belonging or reputed to belong to the Undertakers.

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

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of taking water in which parties other than 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 construct waterworks and supply water.

13. The Undertakers may on lands belonging to them and any other 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 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 parishes of Cholderton and Bulford both in the county of Wilts and Shipton

Bellinger Thruxton Aimport and Quarley all in the county of Southampton and are as follows :—

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and District.*

Work (A)—A pumping station and plant incidental thereto pumping and service mains and other conveniences and appliances to be situated wholly in the parish of Shipton Bellinger in the field numbered 70 on the 25-inch Ordnance map (2nd edition 1896) of that parish and belonging to the Undertakers :

Work (B)—A reservoir (hereinafter referred to as the plantation reservoir) to be situated wholly in the parish of Shipton Bellinger in the field numbered 44 on the said Ordnance map of that parish and belonging to the Undertakers :

Work (C)—A pumping station and plant incidental thereto pumping and service mains and other conveniences and appliances as now existing wholly situated in the parish of Thruxton at the existing pumping station of the Undertakers in the field numbered 87 on the 25-inch Ordnance map (2nd edition 1901) of that parish and belonging to the Undertakers :

Work (D)—High-level storage reservoirs (hereinafter referred to as the Thruxton Hill reservoirs) as now existing wholly situated in the parish of Thruxton in the fields numbered 81 and 82 on the said Ordnance map of that parish and belonging to the Undertakers :

Work (E)—Softening tanks and plant as now existing situated in the parish of Thruxton in the fields numbered 82 and 83 on the said map of that parish and belonging to the Undertakers :

Work (F)—A reservoir (hereinafter referred to as the Cholderton reservoir) as now existing situated in the parish of Cholderton in the field numbered 20 on the 25-inch Ordnance map (2nd edition 1901) of that parish and belonging to the Undertakers :

Work (G)—A reservoir (hereinafter referred to as the Ann's Farm reservoir) as now existing situated in the parish of Cholderton in the field numbered 92 on the said map of that parish and belonging to the Undertakers :

A line of pipes (No. 1) with service mains therefrom to be situated in the parishes of Shipton Bellinger and Cholderton wholly through lands belonging to the Undertakers commencing at the plantation reservoir hereinbefore described proceeding in a westerly direction to the pumping station Work (A) thence in a south-westerly direction to and under the road leading from Shipton Bellinger to Cholderton thence continuing in a southerly direction to and under the road leading from Grateley to Everleigh thence in the same direction to a point in field numbered 25 on the said Ordnance map of the parish of Cholderton where it is intended to join the line of pipes No. 2 hereinafter described :

A line of pipes (No. 2) situated in the parishes of Thruxton Cholderton and Bulford through lands wholly belonging to the Undertakers and as now existing commencing at the Thruxton Hill reservoirs hereinbefore

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described proceeding in a westerly direction to and under the road leading from Grateley to Shipton Bellinger thence in the same direction to and under the road from Shipton Bellinger to Cholderton thence in a north-westerly direction to and under the road from Andover to Amesbury thence in the same direction to Hills Copse thence in a south-westerly direction to a field numbered 190 on the 25-inch Ordnance map (2nd edition 1901) of the parish of Bulford thence in a south-easterly direction to and under the said road leading from Andover to Amesbury thence in the same direction to and under the road from Cholderton to Amesbury thence to Ann's Farm reservoir hereinbefore described :

A line of pipes (No. 3) situated in the parish of Cholderton through lands wholly belonging to the Undertakers and as now existing commencing at the Ann's Farm reservoir hereinbefore described proceeding in an easterly direction to and under the road from Cholderton to Amesbury thence in an easterly direction to the Cholderton reservoir hereinbefore described :

A line of pipes (No. 4) as now existing situated in the parishes of Cholderton Amport and Thruxton through lands wholly belonging to the Undertakers commencing at the Cholderton reservoir hereinbefore described proceeding in an easterly direction to and under the road leading from Shipton Bellinger to Cholderton thence in the same direction to and under the road leading from Shipton Bellinger to Wilbury thence in the same direction to Cholderton Lodge thence in a north-easterly direction to and under the said road from Grateley to Shipton Bellinger thence in the same direction to and terminating in the Thruxton Hill reservoirs hereinbefore described :

A line of pipes (No. 5) situated in the parishes of Amport and Quarley through lands wholly belonging to the Undertakers commencing with a junction with No. 4 in a field numbered 307 on the 25-inch Ordnance Map (2nd edition 1896) of the parish of Amport and terminating at Quarley Down Farm :

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 road boxes and every appliance whatsoever for conveying water from the works and distributing the same throughout the said parishes.

Limits of
deviation.

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 five 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

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

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.

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and District.*

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 stations 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 within the limits of supply.

Completion
of works.

16. In executing the works and exercising the powers by this Order authorised so far as they affect main roads and county or main road bridges of the county of Southampton the following provisions for the protection of the county council of the administrative county of Southampton (in this section called "the county council") shall have effect (that is to say):—

For protection
of Southamp-
ton County
Council.

- (1) All pipes to be laid in or along any main road or in upon or across any main road bridge shall be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct :
- (2) In the application of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by the thirtieth section of that Act shall not be less than seven days instead of three days but this shall not apply to cases of emergency :
- (3) The plan required by the thirty-first section of the said Act shall be accompanied by a description of the proposed works in the case of any main roads and by a section in the case of any county or main road bridges and shall be delivered to the county council or their surveyor by the Undertakers not less than fourteen days before they commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works :
- (4) Nothing in this Act shall authorise the Undertakers to interfere with any drain culvert bridge gulley wall or other structure of the county council without the consent in writing of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine :
- (5) Nothing in this Act contained shall interfere with the right of the county council to alter the level or deviate or improve in any manner they think fit any main road in or along which any pipes of the Undertakers shall have been laid and the Undertakers shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor of the county

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and District.*

council so to do proceed to alter the position of any such pipes in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed

- (6) Nothing in this Act contained shall interfere with the right of the county council at any time or times to remove alter or rebuild any county or main road bridge or the approaches thereto over near or attached to which any pipes of the Undertakers are carried in the same manner as they might have removed altered or rebuilt such bridge or the approaches thereto if this Order had not been made and such pipes had not been laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such pipes are laid being removed altered or rebuilt as aforesaid the Undertakers shall at their own cost in all things alter the position of such pipes and any works by which the same are carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that the county council shall afford all reasonable facilities to the Undertakers for such alteration Provided also that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall at their own expense afford all reasonable facilities for temporarily carrying such pipes across the stream river or other place over which such bridge is carried so as not to interrupt the continual supply of water or to diminish the pressure of such supply through such pipes :
- (7) All works of the Undertakers so far as they affect any main roads and county or main road bridges shall be so executed by the Undertakers as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto :
- (8) The county council shall not be liable for or in respect of any damage or injury done to any work of the Undertakers by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use of any steam or other roller for the repair of such road or from the passage of the traffic in such road or by reason of the non-repair of any county or main road bridge or approaches :
- (9) The provisions of the thirty-second section of the Waterworks Clauses Act 1847 with reference to the re-instatement and making good of the road or payment of any street or bridge opened or broken up shall extend to any part of a street or bridge which may be damaged (by other than ordinary wear and tear) by or in consequence of the works of the Undertakers although such part itself may not have been opened or broken up

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

Provided that ordinary wear and tear shall not be deemed to include damage done to any part of a street or bridge owing to the concentration of traffic thereon caused by the works of the Undertakers :

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and District.*

- (10) If any of the conditions in this section contained be not observed to the satisfaction of the county council the county council may do such work as may be necessary and the cost thereof shall be repaid to them upon demand by the Undertakers :
- (11) If any difference arises at any time between the county council and the Undertakers touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer to be agreed on between the county council and the Undertakers and failing agreement to be appointed by the Board of Trade at the request of either party.

17. If any difference arise 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.

Differences
with road
authority or
railway or
other company.

Supply.

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 reservoirs authorised by this Order.

Limits of
pressure.

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 incomplected quarter shall be reckoned and charged for as a quarter :—

Rates for 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 of the premises so supplied with water does not exceed ten pounds at a rate not exceeding thirteen shillings per annum ;

[Ch. clxxxvi.] *Water Orders Confirmation Act, 1904.* [4 Edw. 7.]

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and District.*

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 them 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 a court of summary jurisdiction.

Rates for
waterclosets
and baths.

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

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
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

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

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.

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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 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.

22. 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.

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.

Notice of discontinuance.

24. The Undertakers may supply any local authority company or person without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such 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 of such local authority company or person first had or obtained.

Water supplied by agreement to local authorities and others.

[Ch. clxxxvi.] *Water Orders Confirmation Act, 1904.* [4 Edw. 7.]

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and District.*
Supply of
water by
meter.

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.

Undertakers to
keep meters in
repair.

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.

Register of
meters to be
evidence.

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 primâ 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 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.

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

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.

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 tene-
ments 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.

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Cholderton
and District.

Penalties.

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 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.

Injuring
meters &c.

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

Incomg
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 the Schedule thereto several sums.

Several sums
in one sum-
mons.

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Chalderton and District.
Warrant of distress to include costs.

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.

Liability to water rate not to disqualify justices from acting.

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.

Costs of Order.

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

ELHAM VALLEY WATER.

Elham Valley. Order authorising the construction of Waterworks and the supply of Water to and within the parishes and places of Lyminge Elham Postling Stanford and Saltwood all in the county of Kent.

Short title.

1. This Order may be cited as the Elham Valley Water Order 1904.

Incorporation of Acts.

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 hereby incorporated with and form part of this Order except where the same are expressly varied by this Order.

Interpretation.

3. The several words 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:

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

Limits of 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")

[4 Edw. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clixvii.]

shall be the several parishes of Lyminge Elham Postling Stanford and Saltwood all situate in the county of Kent Provided always that the powers of the Undertakers under this Order shall cease so far as regards the parish of Saltwood unless they have within two years from the commencement of this Order constructed works and laid mains sufficient for the supply of the parish of Saltwood.

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Elham Valley.

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

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

Undertakers.

6. Edward Easton of Skeete Farm Lyminge Kent Lewin Hill C.B. of Kingston-upon-Thames in the county of Surrey Sydney Davies Sewell of 29 Grosvenor Road London and the survivors or survivor of them and the executors or administrators of such survivors or survivor their or his assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if at any time the undertaking is 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 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.

7. The share capital of the Undertakers for the purposes of the water undertaking authorised by this Order shall not exceed seven thousand five hundred pounds unless the Undertakers are authorised to raise further additional share capital for such purposes by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

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 Elham Valley.
 Limit of
 borrowing
 powers.

8. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order shall not exceed in the whole two thousand five hundred 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 for the purposes of such undertaking after the passing of the Act confirming this Order.

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 undertaking authorised by this Order and they may by agreement purchase and take on lease or acquire any other lands and any easements rights or privileges (not being an easement right or privilege 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 at any time hold more than five acres of land Provided always that they shall not create or permit a nuisance on any lands held by them and that no building shall be erected on such lands except such as are required for the purposes of the undertaking.

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 or to such easements rights or privileges as aforesaid.

Construction of Waterworks.

Power to con-
 struct water-
 works and
 supply water.

11. Subject to the provisions of this Order the Undertakers may on the lands shown on the deposited plans when the same have been acquired by them make and maintain in the line and according to the levels shown on the deposited plans and deposited sections the works hereinafter described with all needful pipes culverts cuts drains sluices engines pumps filtering beds weirs meters and other works connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

The works authorised by this Order are as follows:—

- (1) A pumping station and well to be situated upon a piece of land in the said parish of Lyminge numbered 314 on the $\frac{1}{2500}$ Ordnance map of that parish:
- (2) A reservoir upon land in the parish of Lyminge aforesaid situated in a field numbered 320 on the $\frac{1}{2500}$ Ordnance map of that parish:
- (3) A line of pipes commencing at the said pumping station and terminating at the reservoir before described.

12. Notwithstanding anything in this Order contained it shall not be lawful for the Undertakers to sink any well in the parishes of Saltwood or Postling and they shall derive their water from the chalk stratum only.

A.D. 1904.

Elham Valley.
No wells to be sunk in Saltwood or Postling.
Limits of deviation.

13. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or twenty feet downwards. Provided always nevertheless 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.

14. 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 engines machinery tanks wells pipes and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Period for completion of works.

15. For the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee (hereinafter respectively referred to as "the railway company") the following provisions shall (unless otherwise agreed) apply and have effect (that is to say):—

For protection of South Eastern Railway Company and South Eastern and Chatham Railway Companies' Managing Committee.

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes culverts or other works in the exercise of the powers contained in this Order upon across over under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by such engineer in writing:

(B) All such works shall be done by and at the expense of the Undertakers (except as in this section otherwise provided) who shall also restore and made good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the railway company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers. Provided always that should the railway company elect so to do where any mains or pipes

A.D. 1904.

Elham Valley.

require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expenses of the Undertakers :

- (c) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon :
- (d) If the Undertakers lay down any mains or pipes in or under any embankment or over any bridge tunnel or viaduct of the railway company they shall provide and maintain such stop-cocks on either side of such embankment bridge tunnel or viaduct as in the opinion of the engineer of the railway company shall be necessary :
- (e) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any such mains culverts pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station lands works or property of the railway company the Undertakers shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :
- (f) If the railway company at any time or times hereafter of which they shall be the sole judges require to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the railway company may on giving to the Undertakers fourteen days' notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversions supporting carrying or dealing with such works :
- (g) Except as in this section otherwise provided any dispute or difference which may arise between the railway company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Undertakers or either of them.

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

16. 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 passed 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.

A.D. 1904.
Elham Valley.
For protection of Kent County Council.

17. For the protection of John Herbert Drax Savile and Wanley Ellis Sawbridge Erle Drax or other the trustees or trustee for the time being of the will of John Samuel Wanley Sawbridge Erle Drax and the beneficiaries under the said will their heirs and assigns (hereinafter in this section referred to as "the owners") the following provisions shall unless otherwise agreed between the owners and the Undertakers have effect (that is to say):—

For protection of Drax estate

The Undertakers shall not abstract or divert any water flowing on the surface of any lands of the owners situate in the parishes of Lyminge Elham Elmstead and Stowting and in the event of the existing supply of water from any well pump pond or watering place on or used for the supply of any lands houses or premises of the owners situate in the said parishes being diminished or affected by the exercise by the Undertakers of the powers conferred upon them by this Order the Undertakers shall furnish the owners and their tenants free of cost and in such manner as the owners may require such a supply of water as shall be equivalent in quantity and quality to the supply at present enjoyed from the existing sources of supply :

The section of this Order the marginal note whereof is "Limits of pressure" shall not apply to the lands of the owners but whenever there shall be situate upon the lands of the owners any house or houses to which the owners are entitled to require the Undertakers to provide a supply by virtue of section 35 of the Waterworks Clauses Act 1847 the promoters shall afford a supply as provided by that section notwithstanding such house or houses may be at an elevation which cannot be reached by gravitation from the service reservoir and works by this Order authorised and the expense of providing a water tower or other works necessary for the purpose of carrying the water to a greater height than can be reached by gravitation from the said service reservoir shall be borne by the Undertakers and shall not be deemed to be included in the words "tenth part of the expense," referred to in the said section 35 of the Waterworks Clauses Act 1847.

18. If any difference arises between the Undertakers and any railway canal or other company (other than the South Eastern Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee)

As to pipes crossing works of a railway or other company

A.D. 1904. whose land or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Elham Valley.

For protection of district roads.

19. The notice required to be given by section 30 of the Waterworks Clauses Act 1847 and the plan to be approved under section 31 of the same Act before breaking up any streets for the purpose of laying pipes shall with respect to any roads under the control or management of the Elham Rural District Council be given to and approved by the surveyor of the said council and the work referred to in such notice and plan shall be executed to the reasonable satisfaction of such surveyor whose proper expenses in connection therewith shall be paid by the Undertakers.

Power to Undertakers to sell undertaking to local authority.

20. If at any time after the expiration of five years from the commencement of this Order the Elham Rural District Council shall be duly authorised and empowered to purchase the undertaking and of their desire so to do shall give not less than six months' notice in writing to the Undertakers requiring them to sell and transfer their undertaking or any part thereof to the said Elham Rural District Council the Undertakers within six months of the receipt of such notice shall sell their undertaking to the said Elham Rural District Council for such price and upon such terms and conditions as may be agreed upon and in case any difference shall arise between the parties as to such price terms or conditions such difference shall be determined by an arbitrator to be appointed by the parties or in case of difference in manner provided by the Lands Clauses Acts.

From and after such sale of the Undertaking to the said Elham Rural District Council as aforesaid all the property real and personal and all rights powers and privileges authorities duties obligations and liabilities of the Undertakers in respect of the undertaking or the part thereof so sold and transferred held enjoyed exerciseable or to be performed by the Undertakers at the time of such sale other than and except powers relating to share and loan capital and of general meetings or directors or otherwise relating to the constitution or management of the Undertakers shall subject to all the liabilities then affecting the same be transferred to and vested in and may and shall be enjoyed and exercised and performed by the said Elham Rural District Council as though the same had been acquired by and conferred upon the said Elham Rural District Council instead of the Undertakers.

Supply.

Limits of pressure.

21. 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 or works authorised by this Order.

22. 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 (which shall include one watercloset) furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates hereinafter specified (that is to say):—

A.D. 1904.

Elham Valley.
Rates for supply for domestic purposes.

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

Where the rateable value is above five pounds and does not exceed eight pounds ten shillings per annum at a rate not exceeding fourpence per week ;

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

Where such rateable value is above twenty pounds at a rate per centum per annum not exceeding seven pounds ten shillings ;

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 thirteen shillings 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 :

Provided that all inns and hotels whether public or private the annual rent or value of which exceeds ten pounds shall be liable to a yearly rate not exceeding ten pounds per centum per annum on the amount of such rent or value whether the same exceeds twenty pounds or not.

23. The Undertakers may charge in respect of every watercloset beyond the first in 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 per annum and such additional sums may be received with and as part of or recovered by the same means as the rate for the supply of water for domestic purposes Provided always that for baths containing as usually filled for use a greater quantity of water than thirty gallons the Undertakers may charge an increased rate in proportion to the size of such baths and the Undertakers shall not be compelled to supply

Rates for waterclosets and baths.

A.D. 1904. water for any bath so constructed as to contain when filled for use more than fifty gallons of water.

Elham Valley.

Undertakers to supply water to road and sewer authorities.

24. The Undertakers shall when required supply the road authority and every sewer authority within the limits of supply with water for watering roads and streets and for flushing sewers and drains or other public purposes at a rate not exceeding two shillings and sixpence for every thousand gallons.

Water supplied by agreement.

25. The Undertakers may supply any person corporation or company with water in bulk for other than domestic purposes both within and beyond the limits of this Order for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such person corporation or company Provided that such supply shall not be given except with the consent of any company or person duly authorised to supply within the district within which such supply is intended to be given and that notwithstanding any such agreement no person corporation or company 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 domestic purposes under this Order.

Supply of water by meter.

26. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any consumer and may charge a rent for each meter 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.

Undertakers to keep meters in repair.

27. 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 The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Register of meters to be evidence.

28. 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 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.

Regulations for preventing waste &c. of water.

29.—(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.

A.D. 1904.

Elham Valley.

(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 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.

30. 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.

31. 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.

When several
houses supplied
by one pipe
each to pay.

32. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the

Supply of
water to tene-
ments in a row.

A.D. 1904. water laid on by the Undertakers to any other such tenement unless the
Elham Valley. tenant or occupier be in respect of the tenement so occupied by him rated
under this Order for a supply of water.

Penalties.

Injuring
meters.

33. 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 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 or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such meter.

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

34. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be 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.

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

Several sums
in one sum-
mons.

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

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

A.D. 1901.
Elham Valley.
Warrant of distress to include costs.

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

Liability to water rate not to disqualify justices from acting.

39. 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.

FRIMLEY AND FARNBOROUGH DISTRICT WATER.

Order empowering the Frimley and Farnborough District Water Company to extend their limits of supply and raise additional capital and for other purposes.

Frimley and Farnborough District.

1. This Order may be cited as the Frimley and Farnborough District Water Order 1904.

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 Frimley and Farnborough District Water Act 1893 (in this Order referred to as "the Act of 1893") and the Wey Valley Frimley and Farnham Water Act 1898 (in this Order referred to as "the Act of 1898") so far as it relates to the Undertakers under this Order and the Frimley and Farnborough District Water Order 1901 (in this Order referred to as "the Order of 1901") 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 to 1889 with respect to the following matters (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 consolidation of the shares into stock;

The general meetings of the company and the exercise of the right of voting by the shareholders;

A.D. 1904.

*Frimley and
Farnborough
District.*

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 and the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Order) incorporated with and form part of this Order.

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

Interpretation.

5. The several words 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 Frimley and Farnborough District Water Company incorporated by the Act of 1893 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 (that is to say) within the parish of Winchfield in the rural district of Hartley Wintney in the county of Southampton all and the like powers privileges and authorities for or in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the limits of the Acts of 1893 and 1898 respectively and the expressions "the limits of this Act" and "the district" in the Act of 1893 and the expressions "the limits for the supply of water by the Frimley Company" and "the limits of supply of the Frimley Company" in the Act of 1898 shall from and after the commencement of this Order be deemed to include the said new limits and the expression "limits of supply" in this Order means the district within which the Undertakers are by virtue of the Acts of 1893 and 1898 and this Order authorised to supply water and the Undertakers may continue maintain and use any mains pipes and works laid down or constructed by them in the new limits as if the same had been laid down and constructed by them under the powers of this Order.

Where Under-
takers do not
furnish a suffi-
cient supply
local authority
or company
may supply.

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 within the new limits a sufficient supply of water in accordance with the provisions of the Acts of 1893 and 1898 and this Order in any part of the district of any local authority included within the limits of supply the local authority of any such district may provide a supply in the whole or any part of their district within the new limits 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

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

A.D. 1904.

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.

*Frimley and
Farnborough
District.*

9. The provisions of section 44 of the Wey Valley Frimley and Farnham Water Act 1898 shall extend and apply to the new limits and to the county council of Southampton and to the Undertakers in relation thereto as if that section had been expressly re-enacted in this Act with reference thereto.

For protection
of Southamp-
ton County
Council.

10. In addition to the capital already authorised to be raised by the Undertakers they may—

Additional
capital.

- (1) Raise any further sums not exceeding in the whole fifty thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the further 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 issued under the authority of this Order 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 shall have been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of fifty thousand pounds; and
- (2) Borrow on mortgage in respect of the new capital by this Order authorised to be raised any sum or sums not exceeding in the whole one-fourth part of the amount of the further new capital at the time actually issued by shares or stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the shares or stock in respect of which the power of borrowing is being exercised including the premiums (if any) realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock including the premiums (if any) realised on the sale thereof have been fully 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.

A.D. 1904.

*Frimley and
Farnborough
District.*

As to conver-
sion of bor-
rowed money
into capital.

Except as
otherwise
provided new
shares or stock
to be subject
to same inci-
dents as other
shares or stock.

Incorporating
provisions of
Act of 1898 as
to offering new
capital by auc-
tion or tender.

Power to create
debenture
stock.

Priority of
money raised
on mortgage
or debenture
stock over
certain other
claims.

Existing mort-
gages to have
priority.

11. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the creation and issue of debenture stock or any part thereof respectively by the creation of shares or stock instead of by borrowing or to convert into capital any money borrowed under the provisions of this Order.

12. Except as by this Order otherwise provided the further new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the further new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital. Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

13. The provisions contained in the First Schedule to the Act of 1898 shall apply to the further new capital as if the same had been expressly incorporated with this Order with reference thereto and in construing those provisions for the purposes of this Order the expression "the company" shall mean the Undertakers.

14. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 13 of the Act of 1893.

15. All money to be raised by the Undertakers on mortgage or debenture stock under the provisions of this Order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this Order. Provided always that this priority shall not affect any claim against the Undertakers or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Undertakers which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Undertakers for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

16. All mortgages granted by the Undertakers in pursuance of or in conformity with any Acts before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Acts in pursuance of or in conformity with which the same were granted have priority over any mortgages granted under the authority of this Order but nothing in this

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

A.D. 1904.

Frimley and Farborough's District.

Appointment of receiver.

17. Section 13 (Appointment of receiver) of the Order of 1901 is hereby repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending. The mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

18. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the further new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than five pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital.

Limits of dividend on further new capital.

19. Any preference shares or stock created and issued under the powers of this Order may be issued subject to the conditions that the same may be redeemed by the Undertakers at such times and on such terms and conditions as shall be expressed on the certificates of such shares or stock.

Preference shares or stock may be created subject to redemption.

20. 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 money borrowed.

21. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1892 and the Act of 1898 and the Order of 1901 (including the purposes of an agreement dated the 16th day of October 1901 made in pursuance of the Act of 1898 between the Wey Valley Water Company and the Undertakers) to which capital is properly applicable.

Application of moneys.

22. In addition to any other lands which the Undertakers are under the Act of 1892 or the Act of 1898 or the Order of 1901 authorised to take or purchase the Undertakers may by agreement take purchase and hold for the purposes of this Order and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole ten acres in extent or any easement (not being an easement of water in which any persons other than the grantors have an interest) in or over or under any such lands. Provided that the Undertakers shall not upon any such lands create or permit any nuisance and that no buildings shall be erected on such lands except such as are required for the purposes of the Undertakers' business.

Further powers to acquire lands by agreement.

A.D. 1904. 23. 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.

*Frimley and
Farnborough
District.*

Costs of Order.

NORTH SUNDERLAND WATERWORKS.

*North
Sunderland.*

Order authorising the construction and maintenance of Waterworks and the supply of Water in the parishes of Fleetham Elford and North Sunderland and parts of the parishes of Ellingham Chathill and Swinhoe in the county of Northumberland.

Short title.

1. This Order may be cited as the North Sunderland Waterworks Order 1904.

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 the following parishes or parts of parishes all in the rural district of Belford in the county of Northumberland viz. :—

The parishes of Fleetham Elford and North Sunderland :

So much of the parish of Ellingham as is contained by the Alnwick and Berwick road on the west the boundary of the said parish on the north and east and on the south by a line drawn from Ellingham Lodge due east to the parish boundary :

The parish of Chathill except such part thereof as lies to the east of the Tughall burn :

The parish of Swinhoe except such part thereof as lies to the south of the Tughall burn and such part thereof as lies to the east or north of the Long Nanny stream.

6. 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 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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North
Sunderland.
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 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. The Reverend William Walter Merry Rector of Lincoln College Oxford the Venerable Henry William Watkins of The College in the city of Durham Archdeacon of Durham the Venerable Robert Long of Bishopwearmouth in the county of Durham Archdeacon of Auckland the Right Honourable William Henry Armstrong Fitzpatrick Baron Armstrong of Bamburgh and Cragside in the county of Northumberland the Reverend Arthur William Headlam of Whorlton Hall in the county of Durham clerk the Right Honourable Henry de Vere Baron Barnard of Raby Castle in the county of Durham and the Reverend Charles Edward Blackett Ord Rector of Rothbury in the county of Northumberland and Honorary Canon of the Cathedral Church of Saint Nicholas in Newcastle-on-Tyne the Trustees of Lord Crewe's Charity and other the trustees or trustee for the time being of the said charity 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 ten thousand pounds unless

Capital.

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*North
Sunderland.*

Limit of bor-
rowing powers.

any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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 two thousand five hundred 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.

Power to use
and acquire
lands and
easements.

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 they may by agreement purchase take on lease acquire 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 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-
pound water.

11. The Undertakers may subject to the provisions of this Order so long as they shall be entitled to do so under any lease or agreement and in accordance with the terms of the same take 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 the springs which they may be entitled to take under the terms of a lease to be granted to the Undertakers in pursuance of an agreement made the twenty-second day of February one thousand nine hundred and four between Sir John de Marie Haggerston baronet and the Undertakers and which springs are therein more particularly described.

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

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

Construction of Waterworks.

Power to con-
struct water-
works and sup-
ply water.

13. The Undertakers may on the lands shown on the deposited plans make and so long as they be entitled to do so under any lease or agreement maintain in the lines and according to the levels shown on 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 as follows:—

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- (A) Intakes collecting pipes and pits wholly situate in the parish of Ellingham and rural district of Belford commencing at a point 300 yards or thereabouts due south of Windy Law farmhouse thence proceeding in a south-easterly direction and terminating at the storage tank hereinafter described together with other collecting pipes on the moor adjoining the said storage tank :
- (B) A storage tank wholly situate on the moor in the said parish of Ellingham 250 yards or thereabouts south-west of Brockdam farmhouse :
- (C) A line or lines of pipes commencing in the said parish of Ellingham at the said storage tank passing thence in a northerly direction to the lodge at the west end of Ellingham Avenue thence in a north-easterly direction along the road to the eastern side of the village of Ellingham thence along a footpath in a north-easterly direction across land belonging or reputed to belong to Sir John Haggerston to join the Preston and Chathill high road in the parish of Chathill about 600 yards south of the Chathill Station of the North Eastern Railway Company thence in a north-easterly direction along the said high road to Swinhoe Cottage in the parish of Swinhoe thence in a northerly direction along the high road to Fleetham in the parish of Fleetham thence in a northerly and north-easterly direction along the high road into the parish of North Sunderland and through North Sunderland village to a point in the said road near the cemetery and thence over land belonging to the Undertakers and to the field No. 124 on the 25-inch Ordnance map of the parish of North Sunderland :
- (D) A covered reservoir in the said field No. 124 at or near to the site of the stone at the highest point in the said field :
- (E) Existing mains and works the property of the Undertakers in the village of Seahouses in the parish of North Sunderland :
- (F) Connecting pipes from the said reservoir and line of pipes to the said existing mains and works in the said village of Seahouses :

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

Limits of deviation.

[Ch. clxxxvi.] *Water Orders Confirmation Act, 1904.* [4 EDW. 7.]

A.D. 1904.

*North
Sunderland.*

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 shown on the deposited sections and then only to the extent so shown.

Completion of
works.

15. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 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.

For protection
of North East-
ern Railway
Company.

16. All mains and pipes laid or proposed to be laid by the Undertakers under the powers of this Act which shall cross any railway of the North Eastern Railway Company (hereinafter called "the railway company") shall be carried under the same in a culvert or culverts of sufficient dimensions to admit of such mains and pipes being relaid or repaired without interference with the railway the top of any such culvert in no case being nearer the bottom of the sleepers of the railway than two feet and in laying and maintaining any mains pipes culverts or other works upon or across or under any work or property of the railway company the Undertakers shall execute the work under the direction and superintendence and to the reasonable satisfaction of the engineer of the railway company and in accordance with plans drawings and specifications previously submitted to and approved by him and shall pay and make good to the railway company all loss damages and expenses which the railway company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes and culverts and other works or by or in consequence of the bursting of or any other accident to any main pipe or reservoir of the Undertakers or otherwise howsoever If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works that the position of such mains pipes or culverts shall be altered the Undertakers shall on receiving notice in writing from the railway company so to do alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or culverts in their altered position In case of any difference between the Undertakers and the railway company or their respective engineers touching the meaning or effect of this section or in relation to anything done or to be done under its provisions the same shall be determined by a single arbitrator to be appointed in case of difference by the Board of Trade.

Differences
with road au-
thority or rail-

17. If any difference arises between the Undertakers and any road authority railway canal or other company whose land or works the Undertakers

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

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.

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*North
Sunderland.*

way or other
company.

Supply.

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 storage tank authorised by this Order.

Limits of
pressure.

19. All water supplied by the Undertakers under this Order shall be properly and efficiently filtered or otherwise treated so as to prevent its acting on lead in such manner as to endanger the health of the consumers and if the Undertakers make default under this section they shall be liable to a penalty not exceeding ten pounds for every day during which such default shall continue.

Water to be
properly
filtered.

20. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes (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 (that is to say):—

Rates for supply
for domestic
purposes.

Eight pounds per centum per annum upon the nett rateable value of the dwelling-house supplied and so in proportion for any longer or shorter period than a year Provided that the Undertakers shall not be obliged to furnish any such supply for a less sum than eight shillings in any one year.

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 where the water rate is chargeable on the rateable value of 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.

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

Rates for
waterclosets
and baths.

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Sunderland.*

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
for preventing
waste &c. of
water.

22.—(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 may 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 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 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.

Undertakers not
bound to supply
several houses by
one pipe.

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

Notice of dis-
continuance.

24. 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 authori-
ties and others.

25. The Undertakers may supply any local authority company or person without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such local authority company or person but notwithstanding

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

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. 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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*North
Sunderland.*

26. 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 two shillings and sixpence per thousand gallons.

Supply of water
by meter.

27. 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.

28. 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 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 to be
evidence.

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

When several
houses supplied
by one pipe
each to pay.

[Ch. clxxxvi.] *Water Orders Confirmation Act, 1904.* [4 Edw. 7.]

A.D. 1904. 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.

*North
Sunderland.*

Supply of
water to tene-
ments 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 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.

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 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 consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to

[4 EDW. 7.] *Water Orders Confirmation Act, 1904.* [Ch. clxxxvi.]

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.

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—
*North
Sunderland.*

34. If a person requiring a supply of water from the Undertakers has previously quitted premises at which water was supplied to him by the Undertakers without paying to them all water rates and other moneys due from him to the Undertakers they may refuse to furnish to him a supply of water until he pays the same.

Power to refuse supply to persons in debt for other premises.

35. 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 sums.

Several sums in one summons.

36. 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.

37. 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.

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.

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