



CHAPTER lviii.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Thorne and District Water Trowbridge Water and Wokingham District Water. [4th August 1926.] A.D. 1926.

WHEREAS the Minister of Health has made the Provisional Orders set forth in the schedule hereto under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873: 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 89.

And whereas it is requisite that the said Orders should be confirmed by 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. The Orders as amended and set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Orders Confirmation (No. 9) Act 1926. Short title.

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SCHEDULE.

THORNE AND DISTRICT WATER.

*Thorne
and District
Order.*

*Provisional Order under the Gas and Water Works
Facilities Act 1870 and the Gas and Water Works
Facilities Act 1870 Amendment Act 1873 empowering
the Thorne and District Water Company to construct
waterworks to raise additional capital and for other
purposes.*

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :—

Short and
collective
titles.

1. This Order may be cited as the Thorne and District Water Order 1926 and the Thorne and District Water Act 1910 the Thorne and District Water Company (Modification of Charges) Order 1923 and this Order may be cited together as the Thorne and District Water Act and Orders 1910 to 1926.

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."

Incorpora-
tion of
Acts.

3. So far as the same relate to the powers conferred by this Order 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 Companies Clauses Consolidation Act 1845 as amended by subsequent Acts with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the Company against the shareholders;

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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;
 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;

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

Provided that 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.

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.

4. The several words terms and expressions to which by any Act wholly or partly 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 And

Interpre-
 tation.

"the Act of 1910" means the Thorne and District Water Act 1910;

"the undertaking" means the undertaking of the Undertakers authorised by the Act of 1910;

"the limits of supply" means the limits from time to time for the supply of water by the Undertakers.

5. The Thorne and District Water Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Under-
 takers.

6.—(1) The Undertakers may subject to the limitation mentioned in sub-division (2) of this Article from time to time purchase take on lease or otherwise acquire by agreement and use and hold for the purposes of the undertaking any lands and any easements rights or privileges (not being an easement right or privilege of water in which persons other than the parties to the agreement have an interest) in over or affecting any lands which they may from time to time require and the Undertakers may on any lands acquired by them under this Article make maintain

Purchase
 of lands by
 agreement.

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alter or discontinue such cisterns tanks aqueducts drains cuts sluices pipes culverts engines buildings offices and dwellings and other works (other than works for taking or intercepting water) as may be required for the purposes of or in connection with the undertaking :

Provided that the Undertakers shall not on any lands so acquired so long as the same are held by them create or permit a nuisance or erect or authorise the erection thereon of any houses or similar buildings except offices and dwellings for persons in their employ and such buildings as may be required for the purposes of or in connection with the undertaking.

(2) The total quantity of land held by the Undertakers at any one time under this Article shall not exceed ten acres in the whole.

Persons
under
disability
may grant
easements
&c.

7. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order 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) required for the purposes of this Order 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 and privileges as aforesaid respectively.

Power to
erect &c.
dwellings for
officers and
servants.

8. The Undertakers may on any land for the time being belonging to or leased by them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of the undertaking.

Power to
construct
waterworks.

9. Subject to the provisions of this Order the Undertakers may in upon or under the lands shown on the deposited plans so long as they are possessed of the same construct and maintain in the lines and according to the levels shown on the deposited plans and sections the following work in the West Riding of the County of York—

A well or borehole and pumping station situate in the parish of Hatfield in the Rural District of Thorne in the enclosure numbered in that parish 1407 on the ²⁵¹⁰⁰ Ordnance Map (West Riding Sheets CCLXXVII—4 and 8 Edition 1906).

Power to
take waters.

10. Subject to the provisions of this Order the Undertakers may pump collect impound take use divert and appropriate for the purposes of the undertaking all such springs streams or waters as may be intercepted by the work by this Order authorised.

Limits of
deviation.

11. In the construction of the work authorised by this Order the Undertakers may deviate laterally to any extent within the

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limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards.

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12. The new work 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 renew deepen improve and extend their engines machinery tanks wells filters pipes mains connections and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Completion
of work.

13.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any of the works authorised by this Order or by the Act of 1910 the Undertakers may cause the water in such works to be discharged into any available stream or watercourse.

Discharge
of water
into
streams.

(2) In the exercise of the powers conferred by this Article the Undertakers shall do as little damage as may be and shall make compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

(3) Any water discharged by the Undertakers in exercise of the powers of this Article shall be as free as may be reasonably practicable from mud or solid or offensive matter.

(4) The powers of this Article shall not be exercised so as to damage or injuriously to affect the railways or works of the London and North Eastern Railway Company or of the Axholme Joint Railway of the London Midland and Scottish and London and North Eastern Railway Companies.

14.—(1) The Undertakers may on all or any of the lands for the time being held by them in connection with the undertaking execute for the purposes thereof or in connection therewith any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by Section 12 of the Waterworks Clauses Act 1847.

Exercise of
powers of
Section 12
of Water-
works
Clauses
Act 1847.

(2) Provided that the Undertakers shall not under the powers of this Article create or permit the creation or continuance of any nuisance on any such lands.

15. Notwithstanding anything contained in any Act relating to the Undertakers the Undertakers shall have the exclusive

Under-
takers to
connect

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communica-
tion pipes
with mains.

right of executing any works on any of the water main of the Undertakers for connecting any communication pipe therewith and the Undertakers shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Undertakers execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Undertakers in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Power to
Under-
takers to
repair
communica-
tion pipes.

16. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers in executing such repairs shall be recoverable by the Undertakers from the owner :

Provided that except in case of emergency the Undertakers shall not under the powers of this Article enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Supply to
certain
premises.

17.—(1) The Undertakers shall not be bound to supply with water otherwise than by meter—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any workhouse hospital asylum (whether public or private) sanatorium school club hotel public-house or inn; or
- (c) any boarding-house capable of accommodating at least twelve persons; or
- (d) any public institution which is habitually occupied by at least twenty persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter but nothing in this Article shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof.

(3) The minimum quarterly charge for a supply of water by meter to any of the premises in this Article mentioned shall be one-fourth of the annual amount which would be payable

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according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same rateable value.

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18. Section 35 of the Waterworks Clauses Act 1847 in its application to the Undertakers shall be read and construed as if the words "one-eighth part" were substituted therein for the words "one-tenth part."

Application of
Section 35 of
Waterworks
Clauses Act
1847.

19. Where water supplied for domestic purposes is used for horses washing carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept the Undertakers may if a hose-pipe or other similar apparatus is used charge any additional sum not exceeding twenty shillings per annum and (where more motor cars than one are ordinarily kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum chargeable under the provisions of this Article shall be recoverable with and as the water rate.

Charges for
supply by
hose-pipe.

20. The Undertakers may with the consent of the Minister of Health enter into and carry into effect agreements made with any company or person for the purchase of water in bulk by the Undertakers for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Undertakers for the purpose of the undertaking.

Purchase of
water in
bulk.

21.—(1) Any urban or rural district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Undertakers of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Undertakers for the purpose of or with respect to the providing or laying down by the Undertakers of any main pipe or works for the supply of water within any part of such district.

Guarantees
by district
councils.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Undertakers under this Article.

(3) Nothing in this Article shall be deemed to authorise any such urban or rural district council to use any water supplied by the Undertakers under any such guarantee or contract as aforesaid in any part of the district of such council which is

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beyond the limits of supply and within the limits for the supply of water of any other company or person supplying water under parliamentary authority without the consent of such other company or person.

Power to
sell meters.

22. The Undertakers may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Fittings
not to be
subject to
distress.

23. Any fittings let for hire under the provisions of the Act of 1910 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

Main-
tenance of
common
pipe.

24. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Undertakers.

For pro-
tection of
West Riding
County
Council.

25. The provisions of Section 46 (For protection of West Riding County Council) of the Act of 1910 shall apply and have effect for the protection or benefit of the County Council of the West Riding of the County of York with reference to the execution of the works and the exercise of the powers authorised and conferred by this Order as if the said provisions had with the necessary modifications been re-enacted in this Order.

For pro-
tection of
Doncaster
Corporation.

26. For the protection of the Mayor Aldermen and Burgesses of the Borough of Doncaster (in this Article called "the corporation") the following provisions shall unless otherwise agreed between the Undertakers and the Corporation apply and have effect (that is to say) :—

Save so far as is provided by this Order neither the Undertakers nor the corporation shall construct any works for the abstraction of water within a distance of one mile from the boundary between their respective limits for the supply of water as now existing and the corporation shall not construct any such works within a distance of three miles from the work authorised by this Order.

27. For the protection of the Doncaster and Tickhill Joint Water Board (in this Article called "the board") the following provisions shall unless otherwise agreed between the Undertakers and the board apply and have effect (that is to say) :—

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Save so far as is provided by this Order neither the Undertakers nor the board shall construct any works for the abstraction of water within a distance of one mile from the boundary between their respective limits for the supply of water as now existing and the board shall not construct any such works within a distance of three miles from the work authorised by this Order.

For pro-
tection of
Doncaster
and Tickhill
Joint Water
Board.

28.—(1) Subject to the provisions in this Order the Undertakers may issue as preference shares of five pounds each entitled to a dividend not exceeding the rate of seven pounds ten shillings per centum per annum any part of the share capital authorised by the Act of 1910 and not issued at the commencement of this Order. The provisions of Sections 13 14 15 and 21 of the Companies Clauses Act 1863 shall so far as the same are applicable and not inconsistent with the provisions of this Order apply to such preference shares and to the Undertakers in like manner as they apply to new preference shares.

Power to
issue
certain
capital as
preference
capital.

(2) The preference shares so issued shall form part of the capital of the Undertakers and every person who becomes entitled to a preference share shall in respect of the same be a holder of a share in the capital of the Undertakers and shall be entitled to like rights and privileges as other holders of preference shares of the same class or description proportioned to the whole amount from time to time called up and paid on such share.

(3) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any preference share issued under the authority of this Article and in any case where persons holding such shares shall by virtue of any such resolution be entitled to vote in respect thereof such persons shall vote subject to and in accordance with the provisions relating to votes of shareholders in the Companies Clauses Consolidation Act 1845.

(4) Nothing in this Article contained shall affect the powers to borrow money or to raise and issue debenture stock conferred upon the Undertakers by the Act of 1910.

29. In addition to the capital authorised by the Act of 1910 the Undertakers may raise any further sums not exceeding in the whole thirty-two thousand pounds (hereinafter referred to as "the new capital") by the creation and 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 but no such share or stock issued under the authority of this Order

Additional
capital.

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shall vest in the person accepting the same 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 after allowing for any premiums or discounts which may be obtained or arise on the sale thereof the sum of thirty-two thousand pounds.

Limits of
dividend
on new
capital.

30. The Undertakers shall not in any year pay out of their profits any larger dividend on the new capital than eight 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 eight pounds per centum per annum or than seven pounds ten shillings in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as preference capital.

New capital
to be part
of general
capital.

31. Except as by this Order otherwise provided the new capital and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that 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.

New
capital to
be sold by
auction or
tender.

32.—(1) All ordinary and preference shares or stock forming part of the new capital or of the preference capital authorised by Article 28 of this Order shall be issued in accordance with the provisions of this Article.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers shall from time to time determine :

Provided as follows :—

(a) Notice of the intended sale shall be given in writing to the clerk to the district council of every district within the limits of supply and to the secretary of the London Stock Exchange at least fourteen days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits ;

- (b) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of shares or stock of the Undertakers in accordance with the provisions of Sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the Undertakers may think fit or to one or more of these classes of persons only Provided that in the case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with sub-division (2) or with sub-divisions (2) and (3) of this Article and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this Article and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of each class of shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of shares or stock.

33. The Undertakers may subject to the provisions of this Order borrow on mortgage of the undertaking any sum or

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Power to
borrow.

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sums not exceeding in the whole one-half of the amount of the capital which at the time of borrowing has been raised under the powers of the Act of 1910 and this Order including any premiums received in respect thereof but no sum shall be so borrowed until the Undertakers have proved to a justice of the peace before he gives his certificate under Section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the capital at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

Debenture
stock.

34. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of Section 12 of the Act of 1910.

Priority of
money
raised on
mortgage
or debenture
stock.

35. All money to be raised by the Undertakers on mortgage or by the creation and issue of 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 Article 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.

Existing
mortgages
to have
priority.

36. All mortgages granted by the Undertakers in pursuance of or in conformity with any Act or Order before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Act or Order 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 Article contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Redeemable
preference
or debenture
stock.

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37.—(1) The Undertakers may create and issue any preference shares or stock or debenture stock (all of which are in this Article included in the expression "stock") which they are authorised to create and issue so as to be redeemable on such terms and conditions as may be specified in a resolution of the Undertakers passed at a special meeting convened for the purpose.

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(2) If it is so provided in the resolution the Undertakers may— A.D. 1926.

(a) Call in and pay off the stock or any part thereof at any time before the fixed date of redemption; and

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(b) Redeem the stock or any part thereof either by paying off the stock or by issuing to the holder of any stock subject to his consent other stock in substitution therefor.

(3) The Undertakers may for the purpose of providing money for paying off the stock or of providing substituted stock create and issue new stock (redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid. Provided that the creation and issue for that purpose of any particular class of stock shall not make the total nominal amount of such stock exceed the amount of that class of stock which the Undertakers are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock. Provided also that any stock created and issued solely in substitution for stock shall not be subject to the provisions of Article 32 of this Order.

(4) The Undertakers shall not redeem out of revenue any stock so created as aforesaid.

38. Section 10 (For appointment of receiver) of the Act of 1910 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 three thousand pounds in the whole. Appoint-
ment of
receiver.

39. All moneys raised under this Order including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend. Applica-
tion of
moneys.

40. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 or in any Act relating to the Undertakers the ordinary general meeting of the Undertakers shall be held in each year in the month of February or March or at such other time as the directors of the Undertakers may Ordinary
meetings

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Interim
dividends.

appoint and it shall not be obligatory on the Undertakers to hold half-yearly general meetings or to balance their accounts or make up a balance sheet half-yearly.

41. The directors of the Undertakers may in any year declare and pay an interim half-yearly dividend on any class or classes of shares or stock in the capital of the Undertakers out of the profits of the Undertakers without the sanction or direction of a general meeting but no such half-yearly dividend shall exceed one-half of the prescribed maximum rate of dividend payable on such shares or stock.

Closing of
transfer
books.

42.—(1) The directors of the Undertakers may close the register of transfers of any ordinary or preference shares or stock of the Undertakers for a period not exceeding fourteen days previous to the declaration of any interim dividend on any such ordinary or preference shares or stock and may close the register of transfers of debentures or debenture stock of the Undertakers for a period not exceeding fourteen days previously to the payment of any interest on any such debentures or debenture stock and the directors may in any such case fix a day for the closing of any register which they are authorised to close under the provisions of this Article.

(2) Seven days' notice of the closing of any such register shall be given by advertisement in some newspaper published or circulating within the limits of supply and any transfer of any ordinary or preference shares or stock lodged for registration with the Undertakers while the transfer books relating to such ordinary or preference shares or stock are so closed and any transfer of any debentures or debenture stock lodged for registration with the Undertakers while the transfer books relating to such debentures or debenture stock are so closed shall as between the Undertakers and the person claiming under any such transfer but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

Number of
directors.

43. Section 15 (Number of directors) of the Act of 1910 shall be read and have effect as if for the word "seven" in that section there were substituted the word "nine".

Directors
holding
office
under or
contracting
with Under-
takers:

44. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Undertakers by reason of his holding any office or place of trust or profit under the Undertakers or by reason of his being interested in any contract with the Undertakers nor shall any director of the Undertakers be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract :

[16 & 17 GEO. 5.] *Ministry of Health* [Ch. Iviii.]
Provisional Orders Confirmation (No. 9) Act, 1926.

Provided that—

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- (a) in the case of his being or becoming interested in any contract with the Undertakers whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors of the Undertakers at which the contract is determined on if his interest then exists or in any other case at the first meeting of the said directors after the acquisition of his interest or after his appointment and also in the next annual report of the Undertakers; and
- (b) no director of the Undertakers shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Undertakers to give to the directors or any of them any security by way of indemnity.

45. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock in the capital of the Undertakers or are the executors or administrators of a deceased person who was at the time of his death so entitled and registered any one of those persons may vote at any meeting at which holders of shares or stock of the same class are entitled to vote either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share or stock stands shall for the purposes of this Article be deemed joint holders thereof.

46. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy :

Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Undertakers at the same time as or before the instrument appointing the proxy.

47.—(1) The prescribed number of auditors shall be two or the Undertakers may at any time and from time to time appoint any firm to be the auditors of the Undertakers.

[Ch. lviii.] *Ministry of Health* [16 & 17 GEO. 5.]
Provisional Orders Confirmation (No. 9) Act, 1926.

A. D. 1926.

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Order.*

(2) If and so long as a firm appointed under the provisions of this Article are the auditors of the Undertakers the provisions of this Order and of any Act incorporated therewith relating to the prescribed number of auditors shall not apply to the Undertakers.

(3) In the event of the death or resignation of any auditor of the Undertakers the directors of the Undertakers may appoint an auditor in the place of the auditor so dying or resigning and any auditor so appointed shall hold office until the next shareholders' meeting.

(4) The auditors or in the case of a firm being appointed as auditors the members of such firm shall be persons who are members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or accountants approved by the Minister of Health.

Authen-
tication
and service
of notices
by Under-
takers.

48. Any notice to be served by the Undertakers on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or other officer of the Undertakers for the time being authorised in writing by the directors of the Undertakers being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of such other officer as aforesaid being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Penalty for
closing
valves and
apparatus.

49. Every person who shall wilfully (without the consent of the Undertakers) or negligently close or shut off or interfere with any valve cock or other work or apparatus belonging to the Undertakers whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Undertakers) be liable on conviction to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained Provided that this Article shall not apply to a consumer closing a valve fixed on his communication pipe.

Recovery
of penalties
&c.

50. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaw

[16 & 17 GEO. 5.] *Ministry of Health* [Ch. lviii.]
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made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

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and District
Order.

51. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the Undertaking or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery
of demands.

52. Penalties imposed under this Order and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Penalties
not
cumulative.

53. 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 due from the same individual.

Several
sums in one
summons.

54. A judge of any court or a justice shall not be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any rate.

Judges not
disqualified.

55. 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.

Given under the Official Seal of the Minister of Health
this Fifteenth day of April One thousand nine hundred
and twenty-six.

(L.S.)

F. L. TURNER
Assistant Secretary Ministry of Health.

TROWBRIDGE WATER.

*Provisional Order under the Gas and Water Works
Facilities Act 1870 and the Gas and Water Works
Facilities Act 1870 Amendment Act 1873 to authorise
the construction and maintenance of waterworks and
for other purposes.*

*Trowbridge
Order.*

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873

[Ch. lviii.] *Ministry of Health* [16 & 17 GEO. 5.]
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A.D. 1926. and of all other powers enabling him in that behalf hereby orders
— as follows :—

*Trowbridge
Order.*

PRELIMINARY.

Short and
collective
titles.

1.—(1) This Order may be cited as the Trowbridge Water Order 1926.

(2) The Act of 1873 the Act of 1878 the Order of 1923 and this Order may be cited together as the Trowbridge Water Acts and Orders 1873 to 1926.

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."

Incorpora-
tion of Acts.

3.—(1) The following enactments so far as applicable for the purposes of this Order and not inconsistent with the provisions of the Trowbridge Water Acts and Orders 1873 to 1926 are hereby incorporated with this Order namely—

The Lands Clauses Acts (except the provisions 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) ;

The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) ;

Part III. (Debenture Stock) of the Companies Clauses Act 1863 as amended by subsequent Acts ;

The Waterworks Clauses Act 1847 ;

The Waterworks Clauses Act 1863.

For the purposes 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.

(2) Section 44 of the Waterworks Clauses Act 1847 as incorporated with the Act of 1873 the Act of 1878 and this Order shall 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.

Interpreta-
tion.

4.—(1) In this Order unless the context otherwise requires—

"The Act of 1873" means the Trowbridge Water Act 1873 ;

"The Act of 1878" means the Trowbridge Water Act 1878 ;

"The existing Acts" means the Act of 1873 and the Act of 1878 ;

- “The Order of 1923” means the Trowbridge Water Company (Modification of Charges) Order 1923 made by the Minister on the tenth day of January 1923 under the provisions of the Water Undertakings (Modification of Charges) Act 1921; A.D. 1926.
—
*Trowbridge
Order.*
- “Deposited plans” and “Deposited sections” mean respectively the plans and sections deposited for the purposes of this Order;
- “The limits of supply” means the limits within which the Undertakers are for the time being authorised to supply water;
- “The undertaking” means the undertaking of the Undertakers as for the time being authorised;
- “The new works” means the reservoir and aqueduct authorised by Article 7 (Power to construct works) of this Order;
- “The Minister” means the Minister of Health.

(2) 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. Provided that in this Order the expression “local authority” shall with reference to a parish in a rural district mean the rural district council of the district and not the parish council.

5. The Trowbridge Water Company incorporated by the Act of 1873 shall be the Undertakers for the purposes of this Order and are in this Order referred to as “the Undertakers.” Under-
takers.

LANDS AND WORKS.

6. In addition to any other lands which the Undertakers are under the existing Acts authorised to take or purchase the Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans in connection with the new works or such easements in over or under the same as they may require for the purposes of this Order. Further
powers to
acquire
lands by
agreement.

7. Subject to the provisions of this Order the Undertakers may on the lands in the parish of Hilperton in the rural district of Melksham shown on the deposited plans (so long as they are possessed of those lands) make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the following works viz. :— Power to
construct
works.

- (1) A reservoir to be situate on lands forming part of the enclosure No. 119 on the Ordnance Map (scale $\frac{1}{2500}$ Edition of 1924) Wiltshire Sheet XXXVIII. 4. which lands adjoin the south side of the enclosure No. 114

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and the east side of the enclosure No. 121 on the said sheet of the said map;

- (2) An aqueduct (consisting of a line or lines of pipes) commencing in the said reservoir and terminating by a junction with the Company's existing pipe in the road leading from Hilperton to Devizes at a point about 100 yards eastwards from the south-western corner of the said enclosure No. 119:

Together with all such buildings works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the said reservoir and aqueduct.

Limits of deviation.

8. In constructing the new works the Undertakers may deviate laterally to any extent within the limits of deviation shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

Period for completion of new works.

9. The new works shall be commenced constructed and completed within the time and subject to the conditions prescribed by Section 11 of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge and extend the new works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Confirmation of pumping station.

10.—(1) The Undertakers may maintain continue alter improve enlarge extend reconstruct and repair the work hereafter described and the expenditure of money by the Undertakers on that work is hereby confirmed The work in this sub-Article referred to is:—

The well and pumping station of the Company situate in the parish of Upton Scudamore in the rural district of Warminster in the enclosure numbered 36 on the Ordnance map (scale $\frac{1}{2500}$ Edition of 1924) Wiltshire Sheet XLIV. 16.

(2) The Undertakers may also on and under the lands in the said parish of Upton Scudamore marked on the deposited plans "limit of wells and adits" construct and maintain all such wells adits buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the said pumping station Provided that the Undertakers shall not construct any such wells adits buildings machinery works or apparatus on or under any part of the said lands which does not belong to the Undertakers except by agreement with the owners and occupiers thereof and nothing in this subdivision shall exonerate the Undertakers from any action indictment or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

11. The Undertakers may pump collect impound take use divert and appropriate for the purposes of the undertaking all such underground springs or waters as will or may be intercepted by the well and pumping station and works in connection therewith by this Order authorised to be maintained or constructed.

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Order.

Power to
 take waters.

12. The Undertakers shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in the existing Acts or this Order or some other Order or Act of Parliament.

Limiting
 powers of
 Undertakers
 to abstract
 water.

13. The Undertakers may on all or any of the lands for the time being held by them in connection with the undertaking execute for the purposes thereof or in connection therewith any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by Section 12 of the Waterworks Clauses Act 1847 :

Exercise of
 powers of
 section 12
 of Water-
 works
 Clauses Act
 1847.

Provided that the Undertakers shall not under the powers of this Article create or permit the creation or continuance of any nuisance on any such lands.

14. The Undertakers may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if Section 29 of that Act were excepted from incorporation in the existing Acts and this Order and as if the street were under the control or management of the local authority :

Power to
 lay pipes
 in private
 streets.

Provided that nothing in this Article contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company without the consent of that company nor shall any work be constructed under this Article so as to interfere with or render less convenient the access to or exit from any such station or depôt.

15.—(1) If (i) the Undertakers under the powers of Article 10 (Confirmation of pumping station) of this Order construct any enlargement or extension of the well of the Undertakers described in that Article or any additional well or adit in connection with the pumping station described in that Article and commence to pump a quantity of water in excess of the quantity which could be pumped by the Undertakers by means of the said well and pumping station and works in connection therewith as existing at the commencement of this Order and (ii) at any time after the commencement of the pumping by the Undertakers of such excess quantity of water it shall be proved by or on behalf of the parish meeting or other body having the control of the existing well at the village of Upton Scudamore (hereinafter

For protec-
 tion of
 Parish of
 Upton
 Scudamore.

[Ch. lviii.] *Ministry of Health* [16 & 17 GEO. 5.]
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A.D. 1926. respectively called "the owner" and "the parish well") that
— the pumping by the Undertakers of such excess quantity of
Trowbridge water has caused through no default of the owner a diminution
Order. of the supply of water in the parish well and (iii) at the date of
such proof the parish well is being utilised for the supply of
water to the inhabitants of the Parish of Upton Scudamore
for domestic and farming purposes then the Undertakers shall
(upon the written request of the owner) at their option either—

- (a) afford to the owner a supply of water equal to the amount of such diminution as so proved upon such terms as failing agreement shall be settled by arbitration and as will having regard to any disadvantage sustained or benefit derived by the owner from the substitution of the new for the old supply place the owner in a position as nearly as may be as favourable as that enjoyed by the owner immediately before such diminution took place; or
- (b) deepen the parish well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution; or
- (c) make compensation in money to the owner for such diminution.

(2) (a) If the Undertakers elect to make good the diminution by affording a supply of water in pursuance of paragraph (a) of sub-division (1) of this Article the owner shall grant to the Undertakers free of charge any necessary way leave for the purpose of affording such supply.

(b) If the Undertakers elect to make good the diminution by making any deepening borings or headings in pursuance of paragraph (b) of sub-division (1) of this Article the owner shall free of charge to the Undertakers give the Undertakers access and every facility for carrying out such deepening borings or headings and the Undertakers shall make compensation to the owner for any injury caused to the owner by the execution of such deepening borings or headings.

(3) Any compensation payable to the owner under paragraph (c) of sub-division (1) or under paragraph (b) of sub-division (2) of this Article shall be settled in case of difference by arbitration as hereinafter provided and such compensation shall be paid to the owner or if the owner is the parish meeting of Upton Scudamore to the chairman of the parish meeting and overseers of the Parish of Upton Scudamore and applied in such manner and for such purpose as the Minister may direct.

(4) The Undertakers shall not be liable in respect of any claim made by the owner under this Article if the owner shall have failed upon a written request made to him to afford to the

officers servants or other representatives of the Undertakers at all reasonable times after the confirmation of this Order access to the parish well for the purpose of ascertaining particulars thereof and the level of the water therein.

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Trowbridge
Order.

(5) Any question or dispute arising under this Article shall be referred to and determined by an arbitrator to be appointed failing agreement between the parties by the Minister and in the manner provided by the Arbitration Act 1889 or any statutory modification thereof for the time being in force.

SPECIAL PROVISIONS AS TO MELKSHAM DISTRICTS.

16.—(1) Notwithstanding anything in Section 58 of the Act of 1873 or any other provision of that Act or of the Act of 1878 the water supplied by the Undertakers in the urban district of Melksham and in the rural district of Melksham (other than the parishes of Staverton and Seend) shall as from the first usual quarter day after the completion of the reservoir by this Order authorised be constantly laid on at a pressure not less than that afforded by gravitation from that reservoir :

Pressure in
Melksham
districts.

Provided that the Undertakers shall not be under any obligation to supply in the said urban district and portion of rural district a greater aggregate quantity of water in any one day than two hundred thousand gallons.

(2) If at any time the Undertakers fail to comply with the provisions of this Article they shall be liable to a penalty of two pounds for each day on which the failure shall occur unless the failure is due to frost unusual drought or any other cause or accident beyond the control of the Undertakers and any such penalty (if sued for and recovered) shall be paid to the Melksham Urban District Council and Melksham Rural District Council or to one of those Councils as the Court may determine.

17. As from the first usual quarter day after the completion of the reservoir by this Order authorised the Undertakers may notwithstanding anything in Section 21 of the Act of 1878 charge in the urban district of Melksham and in the rural district of Melksham (other than the parishes of Staverton and Seend) for the supply of water for domestic purposes and in respect of every watercloset beyond the first and in respect of fixed baths any rates and sums not exceeding by more than ten per centum the rates and sums for the time being authorised to be charged by the Undertakers in the remainder of the limits of supply under Sections 64 and 65 of the Act of 1873 as modified by Section 3 of the Order of 1923 or under any Order or Act amending the said Act or Order and for the time being in force.

Increase of
rates &c. in
Melksham
districts.

[Ch. lviii.] *Ministry of Health* [16 & 17 GEO. 5.]
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—
*Trowbridge
Order.*

Amendment
of Section 22
of Act of
1878.

18. If the Melksham Urban District Council at any time elect to exercise the right conferred on them by Section 22 of the Act of 1878 they shall if so required by the Undertakers purchase the reservoir and aqueduct by this Order authorised and all mains pipes apparatus and fittings of the Undertakers by or through which water is supplied by the Undertakers from that reservoir within the urban and rural districts of Melksham and accordingly the said Section 22 shall be read and have effect as if the mains and pipes therein mentioned included the said reservoir and aqueduct and all the said mains pipes apparatus and fittings aforesaid and as if the town of Melksham therein mentioned meant and included the whole of the urban district of Melksham and so much of the rural district of Melksham as is within the limits of supply and is at the date of purchase supplied with water from the said reservoir.

FINANCIAL PROVISIONS.

Additional
borrowing
powers.

19. In addition to the sums already authorised to be borrowed by the Undertakers they may—

- (1) Borrow on mortgage of the undertaking (at any time after the commencement of this Order and without obtaining the certificate of a justice under the fortieth section of the Companies Clauses Consolidation Act 1845) in respect of the capital issued before the commencement of this Order any sum or sums (inclusive of the sums already borrowed in respect thereof) equal in the aggregate to one-half of the total amount of such capital.
- (2) Borrow on mortgage of the undertaking in respect of any further capital raised after the date of this Order by the issue of shares or stock under the powers of the existing Acts any sum or sums not exceeding in the whole one-half of the further capital so raised (including the premiums (if any) realised on the sale thereof) but no sum shall be borrowed in respect of any such further capital until the Undertakers have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole amount payable on the issue of the shares or stock with respect to which the borrowing powers are to be exercised and of the premiums (if any) realised on the sale thereof have been fully paid up.

The powers of borrowing money conferred by this Article shall supersede the powers conferred by the existing Acts (other than those conferred by Section 51 of the Act of 1873) so far as not exercised prior to the date of this Order.

[16 & 17 GEO. 5.] *Ministry of Health* [Ch. lviii.]
Provisional Orders Confirmation (No. 9) Act, 1926.

20. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and of Section 36 of the Act of 1878 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock granted or issued after the commencement of this Order.

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 —
Trowbridge
Order.
 Power to
 create
 debenture
 stock.

21. All mortgages granted by the Undertakers in pursuance of the powers of any Act of Parliament before the date of this Order and subsisting at that date shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Order but nothing in this Article shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Existing
 mortgages
 to have
 priority.

22. Section 29 (For appointment of a receiver) of the Act of 1873 and Section 35 (Certain lands not included in mortgages &c. under this Act) and Section 37 (Priority of mortgage over other debts) of the Act of 1878 shall extend and apply to and with respect to any moneys borrowed or debenture stock issued by the Undertakers under the powers of this Order as though those sections with any necessary modifications were re-enacted in this Order.

Application
 of sections
 of existing
 Acts.

23.—(1) The Undertakers may apply to any of the purposes of this Order any moneys which they have raised or may raise by the issue of shares stock or debenture stock or by borrowing under the powers of the existing Acts.

Application
 of money.

(2) All money raised under this Order by borrowing or by the issue of debenture stock shall be applied only to purposes of the existing Acts and this Order to which capital is properly applicable.

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

Limit of
 interest on
 moneys
 borrowed.

MISCELLANEOUS PROVISIONS.

25. Notwithstanding anything in Section 66 of the Companies Clauses Consolidation Act 1845 the ordinary meetings of the Undertakers shall be held once only in each year in the month of February or such other month as may from time to time be prescribed by a resolution of a general meeting.

Ordinary
 meetings.

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—
*Trowbridge
Order.*

Interim
dividends
and annual
accounts.

26.—(1) The directors may declare and pay in any year an interim half-yearly dividend out of the profits of the Undertakers without the sanction or direction of a general meeting.

(2) The Undertakers and the directors shall not be required to make up a half-yearly balance sheet and account and the balance sheet and accounts made up by them in accordance with Section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

Auditor.

27. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 a single auditor may be elected by the Undertakers. Provided that if a single auditor is elected he shall be a member of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant approved by the Minister and it shall not be necessary for any such auditor to hold any shares or stock in the capital of the Undertakers.

Determina-
tion of remu-
neration of
secretary.

28. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary.

Rates
leviable
half-yearly.

29. Notwithstanding anything in the Waterworks Clauses Act 1847 or in the existing Acts or this Order the rates leviable by the Undertakers shall if the Undertakers so determine be paid half yearly one quarter in arrear and one quarter in advance at Christmas Day and Midsummer Day or at Lady Day and Michaelmas Day.

Guarantees
by district
councils.

30.—(1) Any urban or rural district council whose district is in whole or part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Undertakers of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Undertakers for the purpose of or with respect to the providing or laying down by the Undertakers of any main pipe or works for the supply of water within any part of such district.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Undertakers under this Article.

Maintenance
of common
pipe.

31. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses

or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Undertakers.

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*Trowbridge
Order.*

32. The Undertakers may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to
sell meters.

33. Any fittings let for hire under the provisions of Section 78 of the Act of 1873 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

Fittings not
to be subject
to distress.

34. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers) be liable to a penalty 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 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 person so offending and may be recovered by them as water rates are recoverable. 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 under the

Injuring
meters &c.

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Order.*

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

Penalty for
closing
valves and
apparatus.

35. Every person who shall wilfully (without the consent of the Undertakers) or negligently close or shut off or interfere with any valve cock or other work or apparatus belonging to the Undertakers whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Undertakers) be liable on conviction to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained Provided that this Article shall not apply to a consumer closing a valve fixed on his communication pipe.

Authentica-
tion and
service of
notices by
Undertakers.

36. Any notice to be served by the Undertakers on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or other officer of the Undertakers for the time being authorised in writing by the directors of the Undertakers being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of such other officer as aforesaid being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Recovery of
penalties &c.

37. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaws made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of
demands.

38. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the undertaking or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter Provided that the

demand does not exceed the amount recoverable in that court in a personal action. A D. 1926.

39. 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 due from the same individual. *Trowbridge Order.* Several sums in one summons.

40. A judge of any court or a justice shall not be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any rate. Judges not disqualified.

41. 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 and may in whole or in part be charged against revenue. Costs of Order.

Given under the Official Seal of the Minister of Health this Tenth day of April One thousand nine hundred and twenty-six.

(L.S.)

F. L. TURNER
Assistant Secretary Ministry of Health.

WOKINGHAM DISTRICT WATER.

Provisional Order authorising the Wokingham District Water Company Limited to raise additional capital and to maintain existing waterworks in the Rural Districts of Wokingham and Easthampstead and for other purposes. *Wokingham District Order.*

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows:—

PRELIMINARY.

1. This Order may be cited as the Wokingham District Water Order 1926. 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.

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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 inconsistent with or 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—

“The Order of 1878” and “the Order of 1901” shall mean respectively the *Wokingham District Water Order 1878* and the *Wokingham District Water Order 1901*;

“The limits of supply” shall mean the limits within which the Undertakers are for the time being authorised to supply water.

UNDERTAKERS.

Undertakers.

5. The *Wokingham District Water Company Limited* shall be the Undertakers for the purposes of this Order and are in this Order referred to as “the Undertakers.”

ADDITIONAL CAPITAL.

Additional capital.

6. The limitation prescribed by the Order of 1901 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as “the additional capital”) not exceeding thirty thousand pounds after taking into account the premiums (if any) on the issue thereof :

Provided that the share capital of the Undertakers for the purposes of their undertaking shall not exceed in the whole sixty thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limit of dividend on additional capital.

7. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds of so much of such capital as may be issued as ordinary capital or than six pounds in respect of every one hundred pounds of so much of the additional capital as may be issued as preference capital.

8.—(1) All shares forming part of the additional capital shall be issued in accordance with the provisions of this Article.

(2) All shares so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers shall by special resolution determine :

Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the town clerk of Wokingham the clerk of the Wokingham Rural District Council and the clerk of the Easthampstead Rural District Council and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;
- (b) A reserve price shall be fixed by the directors of the Undertakers and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (c) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds ;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid ;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares of the Undertakers in manner prescribed in a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the Undertakers may think fit or to one or more of these classes of persons only Provided that in the case of an offer to holders of shares if the aggregate amount of shares applied for shall exceed the aggregate amount so offered as aforesaid

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Additional
capital to be
sold by
auction or
tender.

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the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares which have been offered for sale in accordance with sub-division (2) or with sub-divisions (2) and (3) of this Article and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this Article and any such shares then remaining unsold may be otherwise disposed of at such price and in such manner as the directors of the Undertakers may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares.

Limit of
borrowing
power.

9.—(1) Notwithstanding anything in Article 7 of the Order of 1878 or Article 13 of the Order of 1901 the amount of all moneys borrowed by the Undertakers on mortgage of the undertaking shall not at any time exceed in the whole one half of the amount of the capital of the Undertakers for the purposes of the undertaking actually raised by the issue of shares including any premiums that may have been or may be obtained on the sale of any shares under the provisions of the Order of 1878 the Order of 1901 or this Order.

(2) No higher rate of interest than seven pounds per centum per annum shall be paid by the Undertakers without the consent of the Minister of Health in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid and the said Articles in their application to any moneys so borrowed shall be read and have effect as if the words "seven pounds per centum per annum" had been inserted therein in lieu of the words "five pounds per centum per annum."

Application
of money.

10. All moneys raised under this Order including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares under the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend.

Dividends on
different
classes of
ordinary
shares to be
paid propor-
tionately.

11. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the funds of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

ACQUISITION OF LANDS.

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12. The Undertakers may by agreement purchase take on lease acquire and use any 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 the purposes of their undertaking 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 twenty-five acres of land in addition to the lands which they are authorised to purchase under the powers of the Order of 1878.

Wokingham District Order.
 Power to use and acquire lands and easements.

13. The Undertakers may hold any lands belonging to them or acquired by them which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Order or the Lands Clauses Acts respectively but the Undertakers shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to hold lands for protection of waterworks.

14. The Undertakers may subject to the provisions of this Order take and collect by means of the works by this Order authorised to be maintained constructed and used for the purposes of their undertaking the waters of or arising in or flowing from any springs or waters situate in on or under the lands upon which those works are situate.

Power to take water.

15. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order 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) required for the purposes of this Order 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 and privileges as aforesaid respectively.

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

MAINTENANCE AND CONSTRUCTION OF WATERWORKS.

16. The Undertakers may maintain continue alter improve enlarge extend renew reconstruct and repair the following existing works in the county of Berks constructed by them (that is to say) :—

Confirmation of existing works.

Work No. 1 A well and pumping station in the parish of Wokingham Without situate at Toutley in the north-west corner of the field numbered 299 on the

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$\frac{1}{2500}$ Ordnance Map of the said parish (1899 edition)
Sheet No. XXXVIII. 11;

Work No. 2 A service reservoir in the parish of Binfield situate at Coppid Beech Hill in the field numbered 436 on the $\frac{1}{2500}$ Ordnance Map of the said parish (1899 edition) Sheet No. XXXVIII. 16 to the south of the existing reservoir authorised by the Order of 1878;

Work No. 3 A service reservoir in the parish of Binfield situate at Coppid Beech Hill in the said field numbered 436 on the said Ordnance Map of the said parish situate to the north of the said reservoir authorised by the Order of 1878;

Work No. 4 A service reservoir in the parish of Binfield situate at Coppid Beech Hill in the said field numbered 436 on the said Ordnance Map of the said parish situate to the north of the said reservoir Work No. 3:

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 and other appliances which may have been constructed on the lands referred to in this Article.

MISCELLANEOUS.

Power to lay
pipes in
private
streets.

17. The Undertakers may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if Section 29 of that Act were excepted from incorporation in this Order:

Provided that the Undertakers shall not without the consent of the Southern Railway Company lay down or place any pipe or other work in any road or street for the time belonging to and forming the approach to any station or depôt of such railway company.

Temporary
discharge of
water into
streams.

18.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Undertakers the Undertakers may cause the water in any such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Undertakers shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration.

19.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Undertakers may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus within the limits of supply.

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Meters in streets to measure water or detect waste.

(2) Provided that the Undertakers shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

20.—(1) 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 may 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 Minister who is hereby empowered to confirm the same Provided also that such regulations shall only be in force within the area in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

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

(2) 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.

(3) A printed copy of any such regulations purporting to be made and to have been confirmed by the Minister 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.

(4) In case of failure of any person to obey any of 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

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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 by means of such apparatus and may be recovered by the Undertakers summarily.

Undertakers
not bound to
supply
several
houses by
one pipe.

21. The Undertakers shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Maintenance
of common
pipe.

22. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer or agent of the Undertakers.

Power to
Undertakers
to repair
communica-
tion pipes.

23. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers (subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers in executing such repairs shall be recoverable by the Undertakers from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier :

Provided that except in case of emergency the Undertakers shall not under the powers of this Article enter into any house or private premises unless they shall have given to the occupier of such house or premises and in any case where the communication pipe is repairable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

As to com-
munication
pipes.

24.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 or under any other Act or any Order relating to the Undertakers to maintain any pipe or apparatus used for the supply of water from the works of the Undertakers the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of Sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

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(2) The Undertakers by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any streets within the limits of supply may subject to the like conditions execute such works on behalf of such owner or occupier and any expenses incurred by the Undertakers shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

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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 signed by or on behalf of the consumer and left at or sent by post to the office for the time being of the Undertakers.

Notice of
discon-
tinuance.

26.—(1) Before any person connects or disconnects any meter by means of which any of the water of the Undertakers is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Undertakers of his intention to do so and all alterations or repairs and the connecting or disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Undertakers.

Notice to
Undertakers
of connecting
or discon-
necting
water
meters.

(2) Any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

27. Every person who shall wilfully (without the consent of the Undertakers) or negligently close or shut off any valve cock or other work or apparatus belonging to the Undertakers whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Undertakers) be liable on conviction to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained. Provided that this Article shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for
closing
valves and
apparatus.

28. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of the supply of water by the Undertakers who shall without the authority of the Undertakers turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Undertakers and provided or available for the purpose of affording such supply shall be deemed to commit an offence under Section 60 (Penalty for destroying valves &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for
interfering
with valves
&c.

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Power to
supply
materials.

29. The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair and alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such work shall be paid by the person requiring the same.

Fittings
not to be
subject to
distress &c.

30. Any fittings let for hire by the Undertakers shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be :

Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

Entry of
premises to
remove
fittings and
meters.

31. The Undertakers by their agents or workmen after forty-eight hours' notice in writing under the hand of the agent or other officer of the Undertakers to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any water pipe meter or fitting belonging to the Undertakers is laid or fixed and through or in which the supply of water is from any cause other than the default of the Undertakers discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Amendment
of Section 35
of Water-
works
Clauses Act
1847.

32. The provisions of Section 35 of the Waterworks Clauses Act 1847 shall in their application to the Undertakers be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Dates for
payment of
water rates.

33. Notwithstanding anything contained in Section 70 (Rates to be paid quarterly in advance) of the Waterworks Clauses Act 1847 the Undertakers may by resolution declare that their water rates and charges shall be payable at such date or dates as the Undertakers may from time to time appoint :

Provided that no person shall be compellable to pay water rates or charges so demanded for any longer period in advance than three months.

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34. Where any premises supplied with water are let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered from the occupier and unless the occupier is in fact liable to pay such rate the same may be deducted by him from the rent from time to time due from him to the owner :

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Rates
payable by
owners of
small houses.

Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

35. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept the Undertakers may if a hose pipe or other similar apparatus is used charge any additional sum not exceeding twenty shillings per annum. The additional sums chargeable under this Article shall be paid quarterly in advance and be recoverable in all respects with and as the rate for the supply of water for domestic purposes to the premises.

Charge for
water used
in garages
&c.

36.—(1) The Undertakers shall not be bound to supply with water otherwise than by meter—

Supply to
houses partly
used for
trade.

(a) any building used by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required; or

(b) any workhouse hospital asylum sanatorium school hotel or boarding-house capable of accommodating at least twelve persons or any other public institution which is habitually occupied by at least twelve persons.

(2) The price to be charged by the Undertakers for a supply of water by meter to any premises mentioned in this Article shall not exceed two shillings a thousand gallons.

37.—(1) The Undertakers and any corporation urban or rural district council company or person may enter into and carry into effect agreements for and in relation to the supply of water by the Undertakers beyond the limits of supply to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions as may be agreed upon.

Contracts
for supply of
water in
bulk.

(2) Provided that—

(a) a supply of water under this Article shall not be given beyond the limits of supply except with the consent of any company or person supplying water

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District
Order.

under Parliamentary authority within the area to be supplied and of the corporation of the borough or the urban or rural district council of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply ;

(b) nothing in this Article shall authorise the Undertakers to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

Copy of
Confirming
Act to be
registered.

38. The Undertakers shall deliver to the Registrar of Joint Stock Companies a printed copy of the Act confirming this Order and he shall retain and register the same and if such copy is not so delivered within three months after the passing of the said Act the Undertakers shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Undertakers who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this Article shall be recoverable summarily There shall be paid to the Registrar by the Undertakers on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on the registration of any document other than the memorandum or the abstract required to be filed with the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding-up in England.

Costs of
Order.

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

Given under the Official Seal of the Minister of Health
this Seventeenth day of April One thousand nine
hundred and twenty-six.

(L.S.)

H. W. S. FRANCIS
Assistant Secretary Ministry of Health.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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