



CHAPTER xxxvi.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Combe Down and District Water Thirsk District Water and York Water. A.D. 1927.
[29th July 1927.]

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. 7) Act 1927. Short title.

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SCHEDULE.

COMBE DOWN AND DISTRICT WATER.

Combe Down 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 to empower the Combe Down (Bath) and General Waterworks Company Limited to maintain and continue waterworks to supply water and for other purposes.*

Short title.

1. This Order may be cited as the Combe Down and District Water Order 1927.

Commencement of Order.

2. This Order shall come into force on the first day of December One thousand nine hundred and twenty-seven which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

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

Interpretation.

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

"The Undertakers" means the Combe Down (Bath) and General Waterworks Company Limited;

"The Undertaking" means the Undertaking of the Undertakers as for the time being authorised by any Act or Order;

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

"The Minister" means the Minister of Health.

(2) The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by

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the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings.

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5. The limits within which the provisions of this Order shall be in force and have effect shall be—

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In the County of Somerset—

Limits of Order.

The Parishes of English Combe Claverton South Stoke Freshford Monkton Combe and Hinton Charterhouse and so much of the Parish of Combe Hay as lies to the north-west of an imaginary line drawn parallel to and at a distance of four hundred yards from the centre line of the main Bath Radstock Road in the Rural District of Bath;

In the County of Wilts—

The Parishes of Limpley Stoke and Winsley in the Rural District of Bradford-on-Avon.

6. If after the expiration of seven years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the said limits of supply the local authority of the area may provide a supply in accordance with the provisions of the Public Health Act 1875 or the local authority or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such area and for the repeal of the powers of the Undertakers in that behalf.

Power to local authority &c. to supply water in case Undertakers fail to supply.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in such area such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister of Health.

7. The capital of the Undertakers shall not for the purposes of the Undertaking exceed fifteen thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

8. The Undertakers shall not borrow any moneys on mortgage of the Undertaking unless and until the amount of all moneys already so borrowed and secured has been reduced below one-half of the amount of the paid-up capital of the Undertakers actually raised for the purposes of the Undertaking by the issue of shares including any premium that may be obtained on the sale of any such shares and thereafter the amount of all moneys so borrowed and secured shall not at any time exceed one-half of the amount of the paid-up capital of the Undertakers actually raised by the issue of shares as aforesaid And except with the sanction of the Minister no higher rate of interest than six pounds

Limit of borrowing powers.

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per centum per annum shall be paid by the Undertakers without the consent of the Minister in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the commencement of this Order.

Application of moneys.

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

Power to acquire lands and easements.

10. 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 the 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 fifteen acres of land in addition to the lands described in the Schedule to this Order.

Power to hold lands for protection of waterworks.

11. 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 the Lands Clauses Acts 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 the undertaking.

Persons under disability may grant easements &c.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Undertakers any easement right or privilege (not being an easement right or privilege of taking 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 maintain &c. waterworks.

13.—(1) The Undertakers may in upon or under the lands in upon or under which the same are now respectively situate so long as they are possessed of the said lands or any necessary rights or easements therein maintain and continue the existing waterworks hereinafter described and may from time to time alter enlarge renew and improve the same.

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The existing waterworks hereinbefore referred to are situate in the County of Somerset and are—

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Work No. 1 A pumping station situate partly in the Parish of Monkton Combe and partly in the Parish of South Stoke in the Rural District of Bath in the field or enclosure numbered 243 in the Parish of Monkton Combe and 108 in the Parish of South Stoke on the $\frac{1}{2500}$ Ordnance Map (Second Edition 1904 Somerset Sheet No. XIV 14) with engines pumps filters works appliances and conveniences used in connection with the said pumping station or subsidiary thereto.

Work No. 2 A line or lines of pipes with adits therefrom situate in the Parishes of Monkton Combe and South Stoke in the Rural District of Bath commencing at the springs 97 yards or thereabouts measured in an easterly direction from the western boundary of the said enclosure numbered 243 and terminating at the pumping station Work No. 1 hereinbefore described.

Work No. 3 A catchwater or adit situate in the said Parish of Monkton Combe commencing in the field or enclosure numbered 223 in that parish on the said Ordnance Map at the springs 33 yards or thereabouts measured in a southerly direction from the northernmost corner of the said field or enclosure numbered 223 and terminating at the manhole situate in the field or enclosure numbered 217 in the Parish of Monkton Combe on the said Ordnance Map at a distance of 62 yards or thereabouts measured in a southerly direction from the north-eastern corner of the said enclosure numbered 217.

Work No. 4 A line or lines of pipes situate in the said Parish of Monkton Combe commencing at the manhole situate in the said field or enclosure numbered 217 hereinbefore described and terminating at the pumping station Work No. 1 hereinbefore described.

Work No. 5 A tank or reservoir situate in the Parish of Bathampton in the Rural District of Bath in the southern corner of the field or enclosure numbered 184 in that parish on the $\frac{1}{2500}$ Ordnance Map (Second Edition 1904 Somerset Sheet No. XIV 6).

Work No. 6 A tank or reservoir situate in the City and County Borough of Bath in the south-eastern corner of the field or enclosure numbered 655 in the said City and County Borough on the $\frac{1}{2500}$ Ordnance Map (Second Edition 1904 Somerset Sheet No. XIV 9).

Work No. 7 A line or lines of pipes situate partly in the Parish of Monkton Combe partly in the Parish of

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Claverton partly in the Parish of Bathampton all in the Rural District of Bath commencing at the pumping station Work No. 1 hereinbefore described and terminating in the said tank or reservoir Work No. 5 hereinbefore described.

Work No. 8 A line or lines of pipes situate partly in the said Parish of Claverton partly in the said Parish of Monkton Combe and partly in the City and County Borough of Bath commencing by a junction with the line or lines of pipes Work No. 7 hereinbefore described in the public road numbered 176 in the Parish of Claverton on the $\frac{1}{2500}$ Ordnance Map (Second Edition 1904 Somerset Sheet No. XIV 6) at or near the southern corner of the field or enclosure numbered 177 in the Parish of Claverton on the said Ordnance Map and terminating at the said tank or reservoir Work No. 6 hereinbefore described.

(2) The Undertakers may also maintain continue alter enlarge renew and improve any mains or pipes already laid down in connection with the before-mentioned works or any of them and any other works authorised by this Order.

Subsidiary
works.

14. In addition to the foregoing works the Undertakers may upon the lands described in the Schedule to this Order so long as they are possessed of the said lands or of any necessary rights or easements therein make and maintain all such new and additional cuts channels catch-waters tunnels adits pipes conduits culverts drains sluices bye-washes shafts wells bores water-towers over-flows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches engines machinery and appliances and buildings as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them Provided that nothing in this article shall exonerate the Undertakers from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to
take water.

15. The Undertakers may subject to the provisions of this Order 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 works by this Order authorised to be constructed or maintained.

As to exercise
of powers of
section 12 of
Waterworks
Clauses Act
1847.

16. 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 of or in connection with the Undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water) Provided that the Undertakers shall

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not under the powers of this article create or permit the creation or continuance of any nuisance on any such lands.

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17. 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 this or some other Order or in an Act of Parliament.

*Limiting
powers of
Undertakers
to abstract
water.*

18. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stop-cocks 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 roads lanes footways courts passages tramways gas or water pipes electric and other lines wires and apparatus 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 Telegraph Act 1878.

*Detection of
waste.*

19.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any of the works by this Order authorised to be constructed or maintained the Undertakers may cause the water in such works to be temporarily discharged into any available stream or watercourse Provided that the Undertakers shall not cause to be discharged into any such stream or watercourse any water which is in a turbid condition or contains any silt or deposit.

*Temporary
discharge of
water into
streams.*

(2) In the exercise of the power conferred by this article the Undertakers shall do as little damage as may be and shall make 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 in accordance with the provisions of the Arbitration Act 1889.

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways or works of any railway company.

20. 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 :

*Power to
lay pipes in
streets not
dedicated
to public
use.*

Provided that the powers of this article shall not be exercised in regard to any street belonging to or forming the approach to

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a railway station or depôt of the Southern and London Midland and Scottish Railway Companies except with the consent of those companies but such consent shall not be unreasonably withheld nor shall the Undertakers in carrying out any works authorised by this Order unreasonably obstruct or interfere with the access to any such street.

Power to
construct
mains in
City of Bath.

21. Subject to the provisions of this Order the Undertakers may within such parts of the City of Bath as are shown coloured red and green on the plan hereinafter referred to lay down and repair alter take up relay or renew mains pipes conduits and other works and apparatus for the purpose of supplying water within the limits of supply or for conveying water to any part of the limits of supply The plan above referred to is a plan signed in duplicate by Samuel Pim Jackson on behalf of the Undertakers and by John Basil Ogden on behalf of the Mayor Aldermen and Citizens of the City of Bath one copy of which has been deposited in the registered office of the Undertakers and the other copy with the Town Clerk of Bath.

Differences
with road
authority
or railway
or other
company.

22. If any difference arise between the Undertakers and any road authority railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or as to the facilities to be afforded for the same or as to any other matter herein referred to the same shall unless otherwise provided by this Order be settled by an engineer to be appointed by the Minister at the request of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration.

Limits of
pressure.

23.—(1) The water supplied by the Undertakers need not be constantly laid on under pressure between the hours of 8 p.m. and 6 a.m. when pumping is required to afford the supply or be delivered at a greater height than can be reached by gravitation from the reservoir or tank from which the supply is taken and it shall be in the discretion of the Undertakers in every case to determine the particular reservoir or tank from which the supply is to be taken.

(2) For a period of two years after the commencement of this Order the water supplied by the Undertakers in the Parish of Hinton Charterhouse need not at any time be laid on under pressure.

Rates for
supply for
domestic
purposes.

24. The Undertakers shall at the request of the owner or occupier of any house or part of a house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of

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water for such domestic purposes at rates not exceeding the rates hereinafter specified (that is to say) :— A.D. 1927.

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Where the rateable value of the premises so supplied shall not exceed seven pounds per annum at a rate per annum not exceeding fourteen per centum upon such rateable value ;

Where such rateable value exceeds seven pounds but does not exceed twenty pounds at a rate per annum not exceeding thirteen per centum upon such rateable value ;

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

Where such rateable value exceeds forty pounds at a rate per annum not exceeding eleven per centum upon such rateable value :

Provided that the Undertakers shall not be bound to afford a supply of water to any premises for a less sum than seventeen shillings and fourpence per annum and that nothing in this section shall entitle the Undertakers in any case to demand for the water rate for any premises included in any division of the above scale a greater sum than they would be entitled to demand if the premises were of just sufficient rateable value to bring them within the next division of the said scale relating to premises of higher value whereon a lower rate per centum is chargeable. Provided also that where any sum payable to the Undertakers under the provisions of this article includes a fractional part of a penny such fractional part shall be charged as a penny ;

The rateable value of any such premises as aforesaid shall mean the rateable value as ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction ;

In addition to the foregoing charges the Undertakers may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not

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exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Undertakers may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rates.

Application
of section 35
of Water
works Clauses
Act 1847.

25. 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."

Rates
payable by
owners of
small
houses.

26. Where a house supplied with water is 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 may be deducted by him from the rent from time to time due from him to the owner. 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.

Charges for
water used
in garages
&c.

27. 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-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first. 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.

Supply to
houses
partly used
for trade.

28. 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 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 public institution which is habitually occupied by at least twelve persons.

Supply for
farming
purposes.

29. Where water supplied by the Undertakers to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter

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but nothing in this article shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farm-house at the rates authorised by this Order.

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Order.*

30. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the price of the meter or other instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Supply of
water by
meter.

31. The price to be charged for a supply of water by meter shall not exceed two shillings and ninepence a thousand gallons.

Price of
supply by
meter.

32. On the application of the Undertakers or of the council of any urban or rural district having for the time being jurisdiction within the limits of supply the Minister may if satisfied that the cost of labour and materials or other circumstances affecting the Undertaking have materially changed vary by order either by way of increase or decrease the maximum rates charges and prices for the supply of water prescribed by that Order :

Revision
of rates.

Provided that the maximum rates charges and prices prescribed in any order made under this article shall be of such respective amounts as to provide (after paying all proper expenses of and in connection with the working management and maintenance of the Undertaking and making good depreciation and paying all other costs charges and expenses if any properly chargeable to revenue) a reasonable return on the ordinary capital of the Undertakers :

Provided also that in the absence of exceptional reasons the Minister shall not alter the maximum rates charges and prices at less intervals than every five years.

33. The Undertakers may enter into and carry into effect agreements with any local authority company or person for the supply of water 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 and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprised in 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 Provided also that 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.

Contracts
for supply-
ing water
in bulk.

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Purchase
of water
in bulk.

Guarantees
by district
councils.

34. The Undertakers may subject to the consent of the Minister 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 purposes of the Undertaking.

35.—(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.

(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 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.

Byelaws for
preventing
waste &c.
of water.

36.—(1) The Undertakers may make byelaws for the purpose of preventing waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship thickness and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 185 of the Public Health Act 1875 and all penalties imposed for the breach of any such

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byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Undertakers were a local authority within the meaning of those sections and the secretary of the Undertakers were the clerk of the local authority.

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(4) A copy of all such byelaws in force for the time being shall be kept at the office of the Undertakers. All persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(5) In case of failure of any person to obey such byelaws 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 authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Undertakers as the water rates in respect of the premises are recoverable.

(6) In so far as any byelaws made by the Undertakers prescribe the size nature materials workmanship thickness and strength of water fittings the same shall not apply to water fittings used on any premises belonging to a railway company (other than premises to which the Undertakers are bound under the Waterworks Clauses Act 1847 to afford a supply of water for domestic use) so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Undertakers.

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

Undertakers
not bound to
supply several
houses by one
pipe.

38. 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 be left at or sent by post to the office of the Undertakers or be given by the consumer personally at the office of the Undertakers.

Notice of
discon-
tinuance.

39. 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

Notice to
Under-
takers of
connecting
or discon-
necting
meters.

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and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Undertakers and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Under-
takers to
keep meters
in repair.

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

Register
of meter to
be primâ
facie
evidence.

41. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Undertakers. Provided always that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

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

42. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom. Provided always that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Entry of
premises to
remove
fittings and
meters.

43. 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.

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44. 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.

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The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Undertakers to let for hire any water fittings to any person supplied by them with water.

Power to
sell or let
meters.

45. 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 or byelaws 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 works shall be paid by the person requiring the same.

Power to
supply
materials.

46. 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 :

Fittings not
to be sub-
ject to
distress &c.

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.

47. 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

Injuring
meters &c.

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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 or are under the custody or control of the consumer shall be *prima 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.

Maintenance
of common
pipe.

48. 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.

As to com-
munication
pipes.

49.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus 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 and provisions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(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 in the limits for the supply of water by the Undertakers 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.

Power to
Undertakers
to repair
communica-
tion pipes.

50. 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

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owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier :

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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.

51. Notwithstanding anything contained in any Act relating to the Undertakers the Undertakers shall have the exclusive right of executing any works on any of the water mains 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.

Under-
takers to
connect
communica-
tion pipes
with mains.

52. The following provisions for the protection of the Mayor Aldermen and Citizens of the City of Bath (in this section referred to as "the Corporation") shall in addition to any other provision enuring for their protection or benefit unless otherwise agreed upon in writing between the Undertakers and the Corporation notwithstanding anything contained in this Order apply and have effect with reference to the execution by the Undertakers of any works within the said city (that is to say) :—

For protec-
tion of Bath
Corporation.

- (1) All mains pipes and works (other than communication or service pipes) to be laid renewed or replaced in or along any street or road or in or upon or across any bridge (which expression shall in this article include the roadway over such bridge and the approaches thereto) shall be laid renewed or replaced in such position in or at the side of such street or road or in upon or across such bridge as the Corporation in writing under the hand of their Surveyor may reasonably direct. Provided that if the Corporation give no directions before the expiration of a period of fourteen days after the delivery to them of the plan required by section 31 of the Waterworks Clauses Act 1847 they shall be deemed to have given directions for the mains pipes or works (as the case may be) shown thereon to be laid renewed or replaced in the positions in or at the side of the street or road shown upon the said plan :
- (2) Section 30 of the Waterworks Clauses Act 1847 incorporated with this Order shall be read and have effect

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as if the period of seven clear days were referred to therein instead of the period of three days in the said section mentioned and the notice therein mentioned shall be given to the Surveyor of the Corporation Provided that this paragraph shall not apply in the case of emergency :

- (3) The plan required by section 31 of the Waterworks Clauses Act 1847 shall be delivered (except in cases of emergency) to the Corporation or their Surveyor by the Undertakers not less than seven days before the Undertakers commence to open or break up any street or road or interfere with any bridge or any sewer drain or tunnel or other property of the Corporation for the purpose of executing the works and shall be accompanied by a section of the proposed works :
- (4) Nothing contained in this Order shall authorise the Undertakers to interfere with the structure of any bridge or of any culvert or arch belonging to the Corporation without the consent in writing of the Surveyor of the Corporation which consent shall not be unreasonably withheld :
- (5) Nothing contained in this Order shall interfere with the right of the Corporation to alter the level of or deviate or improve any street or road in or along which any pipes or other works of the Undertakers shall have been laid or to repair remove alter or rebuild any bridge culvert or arch over or attached to which any pipes or other works of the Undertakers are carried in the same manner as if this Order had not been made and in the event of any such alteration deviation improvement repair removal or rebuilding as aforesaid being intended by the Corporation the Undertakers shall on receiving notice in writing under the hand of the Town Clerk or the Surveyor to the Corporation so to do with all convenient speed alter the position of any such pipes or works in such manner and to such extent as such notice may reasonably prescribe Provided that during such alteration deviation improvement repair removal or rebuilding as aforesaid the Corporation shall free of cost afford all reasonable facilities for temporarily carrying or accommodating the pipes and other works of the Undertakers so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such pipes or works and that subject as in this paragraph nextly provided the Corporation shall repay to the Undertakers the cost of and incidental to any such alteration of position as aforesaid Provided also that if in lieu of altering the position of any such pipes

or works the Undertakers shall lay down or place in an altered or new position pipes or works of greater capacity than the then existing pipes or works (hereinafter referred to as "the old apparatus") or substitute new pipes or works of not greater capacity than but in lieu of the old apparatus the amount (hereinafter referred to as "the gross amount") which would but for this proviso be payable by the Corporation under the preceding proviso of this paragraph shall be reduced to an amount to be agreed upon between the Corporation and the Undertakers or failing such agreement determined by arbitration as hereinafter provided such amount being—

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(a) In the case of pipes or works of such greater capacity as aforesaid a sum bearing to the gross amount the proportion which the capacity of the old apparatus bears to such greater capacity; or

(b) In the case of substituted pipes or works a sum bearing to the gross amount the proportion which the effective life of the old apparatus bears to that of the substituted pipes or works :

- (6) All works shall be so executed by the Undertakers so far as reasonably practicable as not to impede or interfere with the traffic on any street or road or over any bridge and the Undertakers shall not open or break up at any one time a greater length than one hundred yards of any such road nor more than fifty yards thereof where their works do not leave sufficient space for two vehicles to pass at the same time :
- (7) If at any time when the Undertakers are about to lay any main pipe or apparatus in under or along any street road or bridge the Corporation shall give notice in writing under the hand of their Town Clerk or Surveyor to the Undertakers requiring the Undertakers so to do the Undertakers shall in accordance with the reasonable directions and to the reasonable satisfaction of the Surveyor after the main pipe or apparatus has been laid restore so much of such street road or bridge as shall be broken up or damaged by the Undertakers to the condition in which it was immediately before such breaking up and the Undertakers shall make good any subsidence of such street or road or of the roadway or footway on such bridge which may arise at any time within six months from the completion of such restoration but shall not be under any liability to make good or bear the cost of making good any such subsidence which may arise after the expiration of the said period of six months :
- (8) (a) Notwithstanding anything contained in this Order the Corporation may by notice in writing under the

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hand of their Town Clerk or Surveyor given to the Undertakers before the Undertakers shall have completed laying any main pipe or apparatus in under or along any street road or bridge elect themselves to fill in the trench and restore such portion of the street road or bridge as has been broken up or damaged by the Undertakers and in the event of the Corporation giving such notice they shall as soon as the apparatus shall have been laid in the street road or bridge by the Undertakers restore the said portion of the street road or bridge to the condition in which it was immediately before such breaking up and the Undertakers shall repay to the Corporation all expenses reasonably incurred by the Corporation in filling in such trench and making such restoration and shall not be under any obligation with regard to the restoration reinstatement or making good of the said portion of the street road or bridge. The Undertakers shall make good or bear the cost of making good any subsidence of the street road or bridge which may arise at any time within six months from the completion of such restoration unless such subsidence shall result from or be contributed to by any negligence on the part of the Corporation or their contractors servants workmen or agents in connection with such restoration (in which case the Corporation shall at their own expense make good such subsidence) but the Undertakers shall not be under any liability to make good or bear the cost of making good any such subsidence which may arise after the expiration of the said period of six months ;

(b) If the Corporation give to the Undertakers any such notice as is referred to in subdivision (a) of this paragraph the Undertakers shall give to the Corporation notice in writing of the completion of the laying of the main pipe or apparatus for which the street road or bridge was broken up or damaged and the Corporation shall indemnify the Undertakers from and against all claims demands damages costs charges and expenses which may be made against or incurred by the Undertakers in respect of any accident or occurrence happening after the expiration of forty-eight hours (excluding from the computation of that period any part of a Sunday Christmas Day Good Friday or any Bank Holiday) from the receipt by the Corporation of any notice so given by the Undertakers and by reason or in consequence of the street road or bridge not having been so restored as aforesaid :

- (9) The Undertakers shall pay to the Corporation the reasonable expenses incurred by them in relation to the

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reasonable superintendence by the Corporation or their Surveyor of any works affecting any street road or bridge to be done by the Undertakers under the provisions of this Order :

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- (10) If any difference at any time arises between the Corporation and the Undertakers touching this article or anything to be done or not to be done thereunder such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration.

53. The powers conferred upon the Undertakers by this Order shall not be exercised so as injuriously to affect the Combe Down and Devonshire Tunnels of the Southern and London Midland and Scottish Railway Companies or so as to interfere with the traffic on the Somerset and Dorset Railway of those companies.

For protection of Southern and London Midland and Scottish Railway Companies.

54. Nothing in this Order contained shall prejudice or affect any property rights powers authorities or privileges of His Royal Highness the Duke of Cornwall in right of His Duchy of Cornwall or of the Possessor of the Duchy of Cornwall for the time being.

Saving rights of Duchy of Cornwall.

55. The following provisions for the protection of the Council of the Rural District of Bath (in this article referred to as "the Council") shall in addition to any other provision enuring for their protection or benefit and notwithstanding anything contained in this Order and unless otherwise agreed upon in writing between the Undertakers and the Council apply and have effect with reference to the execution by the Undertakers of any works within the said Rural District (that is to say) :—

For protection of Bath Rural District Council.

- (1) Notwithstanding the making of this Order or anything therein or in the Public Health Act 1875 contained the Council shall have the same right to supply water from the existing waterworks belonging to the Council in the parishes of Monkton Combe and Hinton Charterhouse as they had immediately before the making of this Order :
- (2) In exercising the powers of this Order the Undertakers shall not unreasonably interfere with any pipe or other work by which the Council supply water from the said existing waterworks or with the access thereto nor do any act or thing by which the said supply of water by the Council shall be interrupted :

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- (3) The Company shall make full compensation for all damage done by them to any pipe or other work of the Council in the execution of the works by this Order authorised and shall indemnify the Council in respect of any actions claims or demands arising out of any interference by the Company with any such pipe or other work :
- (4) The provisions of the article of this Order of which the marginal note is " For protection of Bath Corporation " except the provisions of the last paragraph thereof shall apply and have effect for the protection of the Council in all respects as if the same were set out in this article but with references to the Rural District of Bath instead of to the City to the Council instead of to the Corporation and to the Clerk to the Council instead of to the Town Clerk :
- (5) Any difference which may at any time arise between the Council and the Undertakers under the provisions of this article (other than the provisions of subdivision (1) hereof) shall be referred to and determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protec-
tion of
Great
Western
Railway
Company.

56. For the protection of the Great Western Railway Company (in this article referred to as " the Company ") the following provisions shall unless otherwise agreed between the Company and the Undertakers apply and have effect (that is to say) :—

- (1) In constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of any work of the Undertakers by this Order authorised which may be situate upon across over or under the railway canal or works of the Company the same shall be done by and in all things at the expense of the Undertakers except as in this article is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the Company and at such time or times as he shall reasonably approve and so as not (save with the consent of the Company which consent shall not be unreasonably withheld) to interfere with the structure of any bridge belonging to the Company and except in cases of repair according to plans sections and particulars to be submitted to and reasonably approved by the said engineer before any such works

shall be executed Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-one days after they shall have been submitted to him he shall be deemed to have approved thereof :

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- (2) The Undertakers shall restore and make good to the reasonable satisfaction of the said engineer the railway canal and works of the Company and the roads which the Company are liable to maintain over or under any bridge or over any level crossing of such railway or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any of the operations of the Undertakers :
- (3) If the Company so elect they may themselves in the case of any level crossing execute and maintain the said works (other than the actual laying down and maintenance of the pipes) and may recover the reasonable costs of so doing from the Undertakers (including compensation payable to any workmen or their legal representatives or dependents who may be injured or killed whilst employed by the Company in and about such works) :
- (4) All such works shall be constructed executed and maintained so as to cause as little injury as may be to the railway canal or works of the Company and so as not to cause any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption shall arise from the acts or operations of the Undertakers or by reason of the failure of the Undertakers to maintain such works or if any bursting leakage or failure of the works of the Undertakers over under or near to any railway or other property of the Company constructed or acquired under powers in existence at the commencement of this Order shall cause any injury to such railway or other property all such injury shall forthwith be made good by the Undertakers at their own expense and to the reasonable satisfaction of the said engineer and the Undertakers shall indemnify the Company from all claims in respect of any such injury or interruption and shall make compensation to the Company for and in respect thereof including any compensation payable as aforesaid and compensation for any disturbance of traffic which the construction or maintenance of the said works may entail :
- (5) In the event of the Undertakers failing to make good such injury as aforesaid or failing to maintain all such

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works (where they pass under or over the railway canal or works of the Company) in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the Company may make good the same and make and do in and upon as well the lands of the Undertakers as their own lands all such repairs and things as may be reasonably requisite and recover the reasonable expense thereof (including compensation payable as aforesaid) from the Undertakers :

- (6) If it should be necessary during the construction of any works authorised by this Order or by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other work or apparatus belonging to or on the railway of the Company the Company may effect such alterations and the Undertakers shall repay to them the reasonable expenses incurred by them in and connected with such alterations :
- (7) The Undertakers shall bear and on demand pay to the Company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of any works under the powers of this Order over under or across the railway canal or works of the Company of such signalmen or watchmen to be appointed by the Company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Undertakers or their contractors or any person or persons in the employ of the Undertakers or their contractors :
- (8) The Company may at any time or times hereafter upon giving to the Undertakers not less than seven days' notice thereof in writing under the hand of their secretary or general manager call upon the Undertakers at the cost in all things of the Company to divert or alter the level of any conduit main pipe or apparatus or other work of the Undertakers passing in over upon across or under or in any way affecting the railway or works of the Company so as to admit of any repairs renewals widenings alterations or extensions of the railway and works of the Company which they may think necessary and the Undertakers shall as soon as reasonably practicable commence and complete the carrying out of

such diversion or alteration and failing their so doing the Company may themselves carry out the works :

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- (9) Any additional expense which the Company may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the commencement of this Order their railway or other works by reason of the existence of the works of the Undertakers laid or executed under the powers of this Order upon across over or under the same shall be paid by the Undertakers :
- (10) The Undertakers shall not without the previous consent of the Company exercise the powers conferred on them by the articles of this Order of which the marginal notes are " Power to lay pipes in streets not dedicated to public use " and " Detection of waste " in respect to any street which is the property of the Company but such consent shall not be unreasonably withheld :
- (11) Except as in this article otherwise expressly provided any difference arising between the Undertakers and the Company respecting any of the matters referred to in this article shall be referred to and determined by an arbitrator to be appointed at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

57. The following provisions for the protection of the Wilts County Council and the Somerset County Council (each of which Councils is in this article referred to as " the Council ") shall in addition to any other provisions enuring for their protection or benefit unless otherwise agreed upon in writing between the Undertakers and the Council notwithstanding anything contained in this Order apply and have effect with reference to the execution by the Undertakers of any works within the County of Wilts and the County of Somerset (that is to say) :—

For protec-
tion of
Wilts
County
Council and
Somerset
County
Council.

- (1) In this article the expressions " main road " and " county bridge " respectively mean a road or bridge vested in or repairable by the Council and the word " bridge " includes the roadway over such bridge and the approaches thereto :
- (2) All mains pipes and works (other than communication or service pipes) to be laid renewed or replaced in or along any main road or in or upon or across any county bridge shall be laid renewed or replaced in such position in or at the side of such main road or in upon or across or on the outside of such county bridge as the Council in writing under the hand of their county surveyor may

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reasonably direct. Provided that if the Council give no directions before the expiration of a period of fourteen days after the delivery to them of the plan required by section 31 of the Waterworks Clauses Act 1847 they shall be deemed to have given directions for the main pipes or works (as the case may be) shown thereon to be laid renewed or replaced in the positions in or at the side of the main road or county bridge shown on the said plan :

- (3) Section 30 of the Waterworks Clauses Act 1847 incorporated with this Order shall be read and have effect as if the period of seven clear days were referred to therein instead of the period of three days in the said section mentioned and the notice therein mentioned shall be given to the county surveyor. Provided that this sub-division shall not apply in the case of emergency :
- (4) The plan required by section 31 of the Waterworks Clauses Act 1847 shall be delivered (except in cases of emergency) to the Council or their surveyor by the Undertakers not less than seven days before the Undertakers commence to open or break up any main road or interfere with any county bridge or any culvert drain or tunnel or other property of the Council for the purpose of executing the works and shall be accompanied by a section of the proposed works :
- (5) Nothing contained in this Order shall authorise the Undertakers to interfere with the structure of any county bridge or of any culvert or arch belonging to the Council without the consent in writing of the county surveyor which consent shall not be unreasonably withheld :
- (6) Nothing contained in this Order shall interfere with the right of the Council to alter the level of deviate widen reconstruct or improve any main road in under or along which any pipes or other works of the Undertakers shall have been laid or to repair remove widen alter or rebuild any county bridge or any culvert or arch in over across or attached to which any pipes or other works of the Undertakers are carried in the same manner as if this Order had not been made and in the event of any such alteration widening reconstruction deviation improvement repair removal or rebuilding as aforesaid being intended by the Council the Undertakers shall on receiving notice in writing under the hand of the clerk of the Council or the county surveyor so to do with all convenient speed alter the position of any such pipes or works in such manner and to such extent as such notice may reasonably prescribe

Provided that during such alteration widening reconstruction deviation improvement repair removal or rebuilding as aforesaid the Council shall free of cost afford all reasonable facilities for temporarily carrying or accommodating the pipes and other works of the Undertakers so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such pipes or works and that subject as in this subdivision nextly provided the Council shall repay to the Undertakers the cost of and incidental to any such alteration of position as aforesaid Provided also that if in lieu of altering the position of any such pipes or works the Undertakers shall lay down or place in an altered or new position pipes or works of greater capacity than the then existing pipes or works (hereinafter referred to as "the old apparatus") or substitute new pipes or works of not greater capacity than but in lieu of the old apparatus the amount (hereinafter referred to as "the gross amount") which would but for this proviso be payable by the Council under the preceding proviso of this article shall be reduced to an amount to be agreed upon between the Council and the Undertakers or failing such agreement determined by arbitration as hereinafter provided such amount being—

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- (i) In the case of pipes or works of such greater capacity as aforesaid a sum bearing to the gross amount the proportion which the capacity of the old apparatus bears to such greater capacity; or
 - (ii) In the case of substituted pipes or works a sum bearing to the gross amount the proportion which the effective life of the old apparatus bears to that of the substituted pipes or works :
- (7) All works shall be so executed by the Undertakers so far as reasonably practicable as not to impede or interfere with the traffic on any main road or over any county bridge and the Undertakers shall not open or break up at any one time an unreasonable length of any main road or county bridge :
- (8) If at any time when the Undertakers are about to lay any main pipe or apparatus in under or along any main road or county bridge the Council shall give notice in writing under the hand of their clerk or surveyor to the Undertakers requiring the Undertakers so to do the Undertakers shall in accordance with the reasonable directions and to the reasonable satisfaction of the surveyor after the main pipe or apparatus has been laid

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restore so much of such main road or county bridge as shall be broken up or damaged by the Undertakers to the condition in which it was immediately before such breaking up and the Undertakers shall make good any subsidence to such main road or of the roadway or footway on such county bridge which may arise at any time within six months from the completion of such restoration but shall not be under any liability to make good or bear the cost of making good any such subsidence which may arise after the expiration of the said period of six months :

- (9) (a) Notwithstanding anything contained in this Order the Council may by notice in writing under the hand of their clerk or surveyor given to the Undertakers before the Undertakers shall have completed laying any main pipe or apparatus in under or along any main road or county bridge elect themselves to fill in the trench and restore such portion of the said main road or county bridge as has been broken up or damaged by the Undertakers and in the event of the Council giving such notice they shall as soon as the apparatus shall have been laid in the main road or county bridge by the Undertakers restore the said portion of the said road or bridge to the condition in which it was immediately before such breaking up and the Undertakers shall repay to the Council all expenses reasonably incurred by the Council in filling in such trench and making such restoration and shall not be under any obligation with regard to the restoration reinstatement or making good of the said portion of the said road or bridge The Undertakers shall make good or bear the cost of making good any subsidence of the said road or bridge which may arise at any time within six months from the completion of such restoration unless such subsidence shall result from or be contributed to by any negligence on the part of the Council or their contractors servants workmen or agents in connection with such restoration (in which case the Council shall at their own expense make good such subsidence) but the Undertakers shall not be under any liability to make good or bear the cost of making good any such subsidence which may arise after the expiration of the said period of six months ;

(b) If the Council give to the Undertakers any such notice as is referred to in paragraph (a) of this subdivision the Undertakers shall give to the Council notice in writing of the completion of the laying of the main pipe or apparatus for which the main road or county bridge

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was broken up or damaged and the Council shall indemnify the Undertakers from and against all claims demands damages costs charges and expenses which may be made against or incurred by the Undertakers in respect of any accident or occurrence happening after the expiration of forty-eight hours (excluding from the computation of that period any part of a Sunday Christmas Day Good Friday or any Bank Holiday) from the receipt by the Council of any notice so given by the Undertakers and by reason or in consequence of the main road or county bridge not having been so restored as aforesaid :

A.D. 1927.

—
*Combe Down
and District
Order.*

- (10) The Undertakers shall pay to the Council the reasonable expenses incurred by them in relation to the reasonable superintendence by the Council or their surveyor of any works affecting any main road or county bridge to be done by the Undertakers under the provisions of this Order :
- (11) Where for the purposes of the Undertakers stop-cocks valves hydrants boxes or other like apparatus shall be placed in the surface of the carriageway of any main road and the Council shall require the same to be surrounded or protected by sett paving or other adequate form of protection the Undertakers shall at their own cost provide and maintain such protection to the reasonable satisfaction of the Council or their surveyor and for the purposes of this subdivision any such sett paving shall be deemed to form part of the apparatus in connection with which it is provided or required to be provided :
- (12) If any difference at any time arises between the Council or the county surveyor and the Undertakers touching this article or anything to be done or not to be done thereunder such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any reference to arbitration under this subdivision.

58. 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

Authentica-
tion and
service of
notices by
Undertakers.

[Ch. xxxvi.] *Ministry of Health* [17 & 18 GEO. 5.]
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A.D. 1927. such other officer as aforesaid being affixed thereto as aforesaid
— and any such notice may be served on such person either per-
Combe Down personally or by sending the same through the post by a prepaid
and District letter addressed to him by name at his last known or usual place
Order. 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. 59. 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 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. 60. 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 pro-
vision 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.

Penalties not cumulative. 61. Penalties imposed under this Order and the Acts wholly
or in part incorporated therewith for one and the same offence
shall not be cumulative.

Judges not disqualified. 62. 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.

Several sums in one summons. 63. Where the payment of more than one sum by any
person is due under this Order any summons or warrant issued
for the purposes of the Order in respect of that person may
contain in the body thereof or in a schedule thereto all the sums
payable by him.

Costs of Order. 64. 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.

SCHEDULE.

A.D. 1927.

(1) All those pieces or parcels of land belonging to the Undertakers comprising four acres one rood and twenty-five perches or thereabouts and being the whole of the fields or enclosures numbers 241 and 243 in the Parish of Monkton Combe and 108 in the Parish of South Stoke on the 1/2500 Ordnance Map (Second Edition 1904) Somerset Sheet No. XIV. 14.

*Combe Down
and District
Order.*

(2) All that piece or parcel of land belonging to the Undertakers comprising one acre or thereabouts and being the north-western portion of the field or enclosure numbered 217 in the Parish of Monkton Combe on the said Ordnance Map.

(3) All that piece or parcel of land belonging to the Undertakers comprising two acres three roods and twenty-two perches or thereabouts and being the whole of the field or enclosure numbered 222 and the northernmost portion of the field or enclosure numbered 223 in the Parish of Monkton Combe on the said Ordnance Map.

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

(L.S.)

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

THIRSK DISTRICT WATER.

*Provisional Order under the Gas and Water Works
Facilities Act 1870 and the Gas and Water Works
Facilities Act 1870 Amendment Act 1873 altering the
rates and charges leviable by and increasing the
borrowing powers of the Thirsk District Water Com-
pany Limited and for other purposes.*

*Thirsk
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

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A.D. 1927. of all other powers enabling him in that behalf hereby orders as follows :—

—
*Thirsk
Order.*

Short and
collective
titles.

1. This Order may be cited as the Thirsk District Water Order 1927 and the Thirsk District Water Orders 1879 to 1915 and this Order may be cited together as the Thirsk District Water Orders 1879 to 1927.

Commence-
ment of
Order.

2. This Order shall except as mentioned in Article 10 (Commencement of altered rates and charges) 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
general Acts.

3. The provisions of the Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the Waterworks Clauses Act 1847 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner") are (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of the existing Orders and this Order) incorporated with this Order.

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

Interpreta-
tion.

4. In this Order the several words and expressions to which meanings are assigned by the Waterworks Clauses Act 1847 and by the Gas and Water Works Facilities Act 1870 have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

"The Order of 1879" "the Order of 1884" and "the Order of 1915" respectively mean the Thirsk District Water Orders of those respective years;

"The existing Orders" means the Order of 1879 the Order of 1884 and the Order of 1915;

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

"The undertaking" means the undertaking of the Undertakers under the existing Orders and this Order.

Undertakers.

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

Amendment
of section 21
of Order of
1915.

6. Section 21 (New capital to be sold by auction or tender) of the Order of 1915 shall have effect as if the words "fourteen days" were substituted for the words "twenty-eight days" in subsection (2) (a) of that section.

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7. Section 22 (Limits of dividend on new capital) of the Order of 1915 shall have effect as if the words from " five pounds " to the end of the section were omitted and the following words substituted therefor :—

—
Thirsk
Order.

Dividends on preference capital.

" seven per centum per annum on so much of such capital
 " as may be issued as preference capital."

8. Section 25 (Limit of borrowing powers) of the Order of 1915 shall have effect as if the words " one-half " were substituted for the words " one-third " in that section.

Increase of borrowing powers.

9. The Undertakers may from time to time apply to the purposes of this Order to which capital is properly applicable any moneys which they have already raised or are authorised to raise under the existing Orders as amended by this Order.

Application of moneys.

10.—(1) The provisions of Articles 11 to 16 (inclusive) of this Order shall come into force on the first usual quarter day after the commencement of this Order and not earlier.

Commencement of altered rates and charges.

(2) As from the said day section 19 (Rates) and section 20 (Special rates) of the Order of 1879 and section 37 (Amending section 19 of Order of 1879) of the Order of 1915 shall be by virtue of this Order repealed.

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

Rates for domestic purposes.

- (i) Where the gross value of the premises so supplied with water does not exceed five pounds the rate of thirteen shillings;
- (ii) Where such gross value exceeds five pounds but does not exceed seven pounds the rate of seventeen shillings and four pence;
- (iii) Where such gross value exceeds seven pounds but does not exceed forty pounds the rate of twelve and a half per centum of such value;
- (iv) Where such gross value exceeds forty pounds but does not exceed sixty pounds the rate of eleven per centum of such value;
- (v) Where such gross value exceeds sixty pounds the rate of ten per centum of such value :

Provided that nothing in this article shall entitle the Undertakers to demand for a supply of water for domestic purposes in respect of

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—
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Order.

any premises included in any division of the above scale a greater sum than they would be entitled to demand if the premises were of just sufficient gross value to bring them within the next division of the said scale relating to premises of a higher gross value whereon a lower rate per centum is chargeable.

(2) In this article the expression "gross value" has the meaning given to that expression by section 68 of the Rating and Valuation Act 1925. Provided that until the first new valuation lists under the Rating and Valuation Act 1925 have come into force within the limits of supply the expression "gross value" shall be deemed to mean the gross estimated rental of the premises so supplied with water.

For the purposes of this article "gross value" and "gross estimated rental" shall be ascertained by the valuation list in force at the commencement of the quarter in which the water rate becomes payable. Provided that where the water rate is chargeable on the gross value or gross estimated rental of a part only of any premises entered in the valuation list the gross value or gross estimated rental shall be a fairly apportioned part of the gross value or gross estimated rental of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

(3) In addition to the rates and minimum sums authorised by subdivision (1) of this article the Undertakers may in respect of any premises to which they supply water charge—

- (i) for every water-closet beyond the first (for which no additional charge shall be made) a sum not exceeding ten shillings per annum;
- (ii) for every fixed bath capable of containing not more than fifty gallons and for every bath not fixed but having an emptying aperture and capable of containing twenty gallons but not more than fifty gallons a sum not exceeding ten shillings per annum; and
- (iii) for every bath capable of containing more than fifty gallons such sum as they may think fit.

Charge for
water
supplied by
hosepipe for
washing
motor cars
&c.

Supply for
farming
purposes.

12. Section 33 (Supply of water by hosepipe to stables &c.) of the Order of 1915 shall have effect as if the words "a further sum not exceeding ten shillings per annum for each motor car beyond the first" were inserted therein after the words "as they may prescribe."

13. Section 35 (Supply for farming purposes) of the Order of 1915 shall have effect as if the words "the rates authorised by section 19 of the Order of 1879" meant the rates authorised by Article 11 of this Order.

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14.—(1) The Undertakers shall not be bound to supply with water otherwise than by meter— A.D. 1927.

- Thirsk Order.*
Supply to certain premises.
- (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) 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 according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same gross value or gross estimated rental.

(3) Section 34 (Supply to houses partly used for trade &c.) of the Order of 1915 is hereby repealed.

15. Section 36 (Price of supply by measure) of the Order of 1915 shall have effect in relation to supplies of water by meter to premises other than those to which Article 14 of this Order applies as if the following words were added at the end of the section viz. :— Minimum payment for water supplied by meter.

Provided that the Undertakers shall be entitled to charge a minimum sum of ten shillings in any quarter of the year for water supplied by meter otherwise than for gardens and of five shillings in any quarter of the year for water supplied by meter for gardens.

16. On the application of the Undertakers or of a local authority having jurisdiction within the limits of supply the Minister of Health may if satisfied that circumstances have materially changed make an order varying either by way of increase or decrease the rates for the supply of water by the existing Orders and this Order authorised : Revision of rates.

Provided that the rates prescribed in any such order shall be such as to provide (after paying all proper expenses of and in connection with the working management and maintenance of the undertaking of the Undertakers and making good depreciation and paying all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the share capital of the Undertakers Provided also that in the

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—
Thirsk
Order.

absence of exceptional reasons the said Minister shall not alter the rates at less intervals than every five years.

Application
of section 35
of Water-
worksClauses
Act 1847.

17. 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."

Penalty for
closing
valves and
apparatus.

18. 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.

Authentica-
tion and
service of
notices by
Undertakers.

19. 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 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
demands.

20.—(1) 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.

(2) Section 48 (Recovery of demands) of the Order of 1915 is hereby repealed.

Recovery of
penalties &c.

21. 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

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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.

A.D. 1927.

—
*Thirsk
Order.*

22.—(1) Where the payment of more than one sum by any person is due under any of the existing Orders or this Order any summons or warrant issued for the purposes of any such Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several sums
in one
summons.

(2) Section 32 (Several names &c. in one summons or warrant) of the Order of 1879 is hereby repealed.

23.—(1) A judge of any court or a justice shall not be disqualified from acting in the execution of the existing Orders and this Order by reason of his being liable to the payment of any rate or charge under those Orders or any of them.

Judges not
disqualified.

(2) Section 34 (Judges &c. not disqualified for liability to water rates) of the Order of 1879 is hereby repealed.

24. 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 Seventh day of April One thousand nine hundred
and twenty-seven.

(L.S.)

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

YORK 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 amend the York Waterworks Acts 1846 1876 and 1895 and for other purposes.

York 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 :—

1. This Order may be cited as the York Waterworks Order 1927 and the York Waterworks Acts 1846 1876 and 1895 the

Short and
collective
titles.

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A.D. 1927. York Water (Capital Issues) Consent 1923 (Statutory Rules and Orders 1923 No. 437) and this Order may for all purposes be cited together as the York Waterworks Acts and Orders 1846 to 1927.

Commence-
ment of
Order.
Under-
takers.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed.

3. The York Waterworks Company incorporated by the York New Waterworks Act 1846 shall be the Undertakers for the purposes of this Order.

Ordinary
meetings.

4. 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 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.

Interim
dividends.

5. 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.

Costs of
Order.

6. All the costs charges and expenses of and incidental to the applying for preparing and 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 and if wholly charged against revenue may be spread over a period not exceeding five years.

Given under the Official Seal of the Minister of Health this Twelfth day of March One thousand nine hundred and twenty-seven.

(L.S.)

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

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