

[20 & 21 GEO. 5.] *Ministry of Health* [Ch. cxlix.]
Provisional Order Confirmation (Folkestone Water)
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CHAPTER cxlix.

An Act to confirm a Provisional Order of the Minister of Health relating to Folkestone Water. A.D. 1930.
[1st August 1930.]

WHEREAS under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 the Minister of Health has made a provisional order which needs confirmation by Parliament: 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 89.

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 Order of the Minister of Health which as amended is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Folkestone Water) Act 1930. Short title.

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SCHEDULE.

FOLKESTONE WATER.

*Folkestone
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*Provisional Order under the Gas and Water Works
Facilities Act 1870 and the Gas and Water Works
Facilities Act 1870 Amendment Act 1873 increasing
the borrowing powers of the Folkestone Waterworks
Company conferring further powers upon that Com-
pany and for other purposes.*

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

PART I.

PRELIMINARY.

Short and
collective
titles.

1.—(1) This order may be cited as the Folkestone Water Order 1930.

(2) The Acts mentioned in the first and second columns of the first schedule to this order and this order may be cited together as the Folkestone Water Acts and Order 1848 to 1930.

Commence-
ment of
order.

2. This order shall come into operation upon the date of the Act of Parliament confirming it.

Incorpora-
tion of
certain Acts.

3.—(1) In so far as the same are applicable to the purposes of this order and are not inconsistent with the provisions of the existing Acts and orders or this order the provisions of—

(a) The Companies Clauses Consolidation Act 1845 (except sections 56 and 65 of that Act);

(b) Part III (relating to debenture stock) of the Companies Clauses Act 1863 (except the words in section 22 “ and to the same amount as ”);

(c) 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

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(d) 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");

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as amended by any enactment shall except where expressly varied by this order be incorporated with this order.

(2) In the construction of the enactments so incorporated with this order the expression "special Act" shall be read as a reference to this order and the expression "company" shall mean the Undertakers.

4.—(1) In this order the several words terms and expressions to which by the Acts in whole or in part incorporated with this order or by the Gas and Water Works Facilities Act 1870 meanings are assigned shall unless the context otherwise requires have the same respective meanings.

Interpreta-
tion.

(2) In this order unless the context otherwise requires—

"The commencement of this order" means the date upon which this order comes into operation;

"The Act of 1848" means the Folkestone Waterworks Act 1848;

"The Act of 1855" means the Folkestone Waterworks Amendment Act 1855;

"The Act of 1858" means the Folkestone Waterworks Acts Amendment Act 1858;

"The Act of 1864" means the Folkestone Waterworks Acts Amendment Act 1864;

"The Act of 1871" means the Folkestone Waterworks Act 1871;

"The Act of 1888" means the Folkestone Waterworks Act 1888;

"The Act of 1898" means the Folkestone Water Act 1898;

"The charges order of 1923" means the Folkestone Waterworks Company (Modification of Charges) Order 1923;

"The consent order of 1924" means the Folkestone Water (Capital Issues) Consent 1924;

"The existing Acts and orders" means the Act of 1848 the Act of 1855 the Act of 1858 the Act of 1864 the Act of 1871 the Act of 1888 and the Act of 1898 the charges order of 1923 and the consent order of 1924;

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“The directors” means the directors of the Undertakers;

“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;

“The Undertakers” means the Folkestone Waterworks Company;

“The undertaking” means the undertaking of the Undertakers as for the time being authorised;

“Employee” means any workman servant or officer of the Undertakers other than a director.

PART II.

LAND.

Confirma-
tion of
purchase of
lands.

5. The purchase by the Undertakers prior to the commencement of this order of the lands described in the second schedule to this order is hereby confirmed.

Purchase of
additional
lands by
agreement.

6.—(1) In addition to any other lands which the Undertakers are under the existing Acts and orders or any other article of this order authorised to take or purchase the Undertakers may subject to the limitation mentioned in paragraph (3) of this article from time to time purchase take on lease or otherwise acquire by agreement and use and hold for the general purposes of the undertaking any lands and any easements rights or privileges (not being an easement right or privilege of water in which persons other than the parties to the easement have an interest) in over or under any lands which they may from time to time require.

(2) The Undertakers may on any lands acquired by them under this article make maintain alter or discontinue such cisterns tanks aqueducts drains cuts sluices pipes culverts engines buildings offices and dwellings and other works (other than works for taking or intercepting water) as may be required for the purposes of or in connection with the undertaking:

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

(3) The total quantity of land held by the Undertakers at any one time under this article shall not exceed fifty acres.

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7.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Undertakers may by agreement purchase take on lease and acquire any lands and may hold such lands so long as they shall deem it necessary or expedient for those purposes :

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Land for protection of waters and waterworks.

Provided that—

- (a) the total quantity of land acquired under this article by the Undertakers shall not exceed two hundred acres; and
- (b) the Undertakers shall not create or permit the creation or continuance of any nuisance on any lands acquired under this article nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking.

(2) The Undertakers may in and upon any lands so acquired by them construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Undertakers are empowered to take from being polluted and the Undertakers may for those purposes carry any such drain sewer or watercourse under across or along any street or road within any area in or through which any waters which may be taken by the Undertakers arise or flow subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The powers conferred by this article shall not authorise the grant or enclosure of common without the consent of the Minister of Agriculture and Fisheries.

8.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act to the contrary the Undertakers may—

Power to retain sell &c. lands.

- (a) retain hold and use for the purposes of the undertaking for such time as they think fit any lands for the time being belonging to them;
- (b) from time to time sell lease exchange or otherwise dispose of the lands in such manner for such consideration and on such terms and conditions as they think fit; and
- (c) execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition.

(2) Upon any sale lease exchange or disposition of lands authorised by this article the Undertakers may reserve to themselves all or any part of the water rights or other easements

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belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with respect to the use of water the exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

PART III.

FINANCIAL PROVISIONS.

Extension
of power of
borrowing
on mortgage.

9. Notwithstanding anything in the existing Acts and orders or the Acts incorporated with this order the Undertakers may—

(1) Borrow on mortgage of the undertaking (at any time after the commencement of this order and without obtaining the certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845) in respect of the capital issued by them on or before the thirty-first day of December nineteen hundred and twenty-nine in the shape of shares or stock any sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock before the commencement of this order and outstanding on the date of any exercise by the Undertakers of the foregoing power of borrowing) one hundred and eight thousand seven hundred and twenty-seven pounds;

(2) Borrow on mortgage of the undertaking in respect of any capital issued by them after the thirty-first day of December nineteen hundred and twenty-nine in the shape of shares or stock any sums not exceeding in the whole one-half of the further capital (including premiums and allowing for discounts) so issued:

Provided that no sum shall be borrowed in respect of such further capital until the Undertakers have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of such capital at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

Debenture
stock.

10.—(1) The Undertakers may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended in its application to the Undertakers but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and

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issued or granted by the Undertakers under any previous or subsequent Act or order or this order shall subject to the provisions of any subsequent Act or order rank *pari passu* (without respect to the dates of the securities or of the Act or order or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

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(2) Notice of the effect of paragraph (1) of this article shall be endorsed on all mortgages and certificates of debenture stock.

(3) As from the commencement of this order section 22 of the Companies Clauses Act 1863 as incorporated with the existing Acts and orders shall have effect as if the words "and to the same amount as" were omitted from that section.

11. All money to be raised by the Undertakers on mortgage or by debenture stock under the provisions of this order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this order :

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

Provided that this priority shall not affect any claim against the Undertakers or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved or payable under any lease granted or made to the Undertakers which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this article affect any claim for land taken used or occupied by the Undertakers for the purposes of the undertaking and works of the Undertakers or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

12. The principal moneys secured by all mortgages subsisting at the commencement of this order which may have been granted by the Undertakers under the existing Acts and orders shall during the continuance of those mortgages have priority over the principal moneys secured by any mortgage granted by the Undertakers after the commencement of this order.

Priority of principal moneys secured by existing mortgages.

13. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver :

Appoint-ment of receiver.

Provided that on any application for the appointment of a receiver in respect of arrears of principal the appointment of a receiver shall not be authorised unless the aggregate amount owing to the mortgagees by whom the application is made shall not be less than one-tenth of the total amount for the time being owing by the Undertakers on mortgages or ten thousand pounds whichever is the less.

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Redeemable
preference
shares or
stock or
debenture
stock.

14.—(1) Subject to the provisions of this article the directors may from time to time by virtue of this order and without further or other sanction issue so as to be redeemable any preference shares or stock or debenture stock (all of which are in this article referred to as "stock") created by the Undertakers under the powers of the existing Acts and orders and this order.

(2) Redeemable stock may be redeemed either by paying off the stock or by issuing or re-issuing to the holder of the stock (subject to his consent) other stock in substitution therefor.

(3) For the purpose of raising money to pay off any redeemable stock or of providing stock in substitution for any redeemable stock under the powers of this article the Undertakers may create new stock or the directors may re-issue any redeemed stock so as to be redeemable or irredeemable as they may think fit.

(4) No stock shall be created nor shall any stock be re-issued under the powers of this article so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Undertakers are for the time being authorised to create except during any necessary interval between the creation or re-issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of that particular class is proposed to be created or re-issued.

(5) The amount raised by the issue or re-issue of any preference shares or stock under the powers of this article shall not during such interval as aforesaid be deemed to be part of the paid up capital of the Undertakers for the purpose of borrowing.

(6) When any redeemable stock has been redeemed the amount last raised by its issue or re-issue (as the case may be) shall cease to be taken into account in calculating the extent to which the powers of the Undertakers of raising money by the creation and issue of capital or by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock have been exercised :

Provided that where redeemable stock was issued or re-issued in substitution for other stock the nominal amount of such first mentioned stock shall be deemed to have been the amount raised thereby.

(7) Any redeemable stock shall be redeemable at such time and in such manner and subject to such terms and conditions as the directors before the issue or re-issue thereof may determine :

Provided that the terms and conditions of redemption upon which any stock is issued or re-issued under the powers of this article shall be stated in any offer by the Undertakers of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

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(8) Stock issued or re-issued under the powers of this article shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) as the directors before the issue or re-issue thereof determine.

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(9) The Undertakers shall not redeem out of revenue any redeemable stock except to the extent of any discount allowed on the issue or re-issue or any premium payable on the redemption of any such stock.

(10) Nothing in this article shall invalidate or impair any mortgages or debenture stock lawfully granted or issued by the Undertakers and outstanding at the date when any redeemable stock is redeemed.

(11) Any preference shares or stock issued or re-issued solely in substitution for any redeemable stock shall not be subject to the provisions of the next succeeding article of this order.

(12) In this article "redeemable stock" means stock issued or re-issued under the powers of the existing Acts and orders and this order so as to be redeemable and "redeemed stock" means any redeemable stock which has been redeemed and is available for re-issue under the provisions of this article.

15.—(1) All ordinary or preference shares or stock hereafter created by the Undertakers shall be issued in accordance with the provisions of this article.

Sale of
shares or
stock by
auction or
tender.

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

Provided as follows :—

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

(b) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Minister not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;

(c) In the case of a sale by auction no lot offered for sale shall comprise shares or stock of greater nominal

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value than one hundred pounds and a bid shall not be recognised unless it is in advance of the last preceding bid;

(d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of ordinary or preference shares or stock of the Undertakers may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee or to any consumer of water supplied by the Undertakers;

(e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 to 20 of the Companies Clauses Act 1863 and to the employees and to the consumers of water supplied by the Undertakers in such proportions as the directors may think fit or to one or more of those classes of persons only :

Provided that in the case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with paragraph (2) or with paragraphs (2) and (3) of this article and are not sold may be disposed of for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine.

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

Application
of money.

16.—(1) The Undertakers may apply to any of the purposes of this order to which capital is properly applicable any moneys which they have raised or may raise by the issue of shares stock or debenture stock or by borrowing under the powers of the existing Acts and orders.

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(2) All money raised under this order by borrowing or by the issue of debenture stock shall be applied only to purposes of the existing Acts and orders and this order to which capital is properly applicable. A.D. 1930.
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17. If any money is payable to a shareholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers. Receipt in case of persons not sui juris.

18. The Undertakers shall not be bound to see to the execution of any trust whether express implied or constructive to which their capital or debenture stock may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any capital or debenture stock of the Undertakers as if such capital or debenture stock were shares to which that section applied: Undertakers not bound to regard trusts.

Provided that in that section for the words "receipt of one of the parties named in" the words "receipt of the party whose name stands first on" shall be substituted.

PART IV.

MANAGEMENT OF UNDERTAKING.

19. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or in the existing Acts and orders the Undertakers may by a resolution of a general meeting at any time determine that the future ordinary meetings of the Undertakers shall be held once only in each year in such month as the directors may from time to time determine and the Undertakers may from time to time in like manner alter or rescind any such resolution. Meetings of Undertakers.

20. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Undertakers whether ordinary or extraordinary may (if the directors so determine) be given by a prepaid letter sent by post to each shareholder or stockholder instead of by public advertisement: Notices of meetings.

Provided that—

- (a) any such letter shall be directed according to the registered address or other known address of each shareholder or stockholder and posted not later than seven clear days before the date of the meeting; and
- (b) in proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and posted as a prepaid letter not later than the time prescribed by this article.

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As to
appoint-
ment of
proxies.

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

Provided that the instrument appointing the attorney or if it has been deposited in the Central Office of the Supreme Court an office copy thereof shall be transmitted to the secretary of the Undertakers at the same time as the instrument appointing the proxy.

Joint
holders.

22.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock any one of those persons may vote at any meeting either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof.

(2) For the purposes of this article several executors or administrators of a deceased member in whose name any share or stock stands shall be deemed joint holders thereof.

Interim
dividends
and annual
accounts.

23. If and so long as the ordinary meetings of the Undertakers are held once only in each year—

(1) the directors may on or after the thirtieth day of June in any year without the sanction or direction of a general meeting declare and pay out of the funds of the Undertakers applicable to dividend an interim dividend on any class of shares or stock in the capital of the Undertakers on account of the dividend for that year to be declared at the next following annual general meeting but no such interim dividend shall as respects any ordinary shares or stock be at a greater rate than one-half of the maximum annual rate of dividend on such shares or stock and shall not as respects any preference shares or stock be at a greater rate than one-half of the preferential annual rate of dividend assigned to such shares or stock; and

(2) Section 116 of the Companies Clauses Consolidation Act 1845 shall in its relation to the Undertakers be read as if the words "preceding year" were substituted therein for the words "preceding half-year."

Closing of
transfer
books.

24.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the payment of any dividend and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen

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days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each shareholder or by advertisement in a newspaper circulating in the limits of supply.

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(2) Any transfer of shares or stock or mortgages or debenture stock made during the time when the register of transfers of such shares stock or security is so closed shall as between the Undertakers and the person claiming under the same but not otherwise be considered as made subsequent to the payment of any such dividend or interest as the case may be.

25.—(1) The directors may appoint one of their body to be managing director either for a fixed term or without any limitation as to time and may remove or dismiss him from office and appoint another in his place.

As to
appoint-
ment of
managing
director.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall thereupon cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by all or any of those methods.

(4) The directors may entrust to and confer upon a managing director such of the powers exercisable by the directors and subject to such conditions as they think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

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

Directors
holding
office under
or contract-
ing with
Undertakers.

Provided that—

(a) if any director shall be or become interested in any contract with the Undertakers (whether such interest arises before or after his appointment as a director) the nature of his interest in the contract shall if it then exists be disclosed by him at the meeting of the directors at which the contract is decided upon or in any other case at the first meeting of the directors

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after the interest arose or after his appointment as a director as the case may be ;

(b) no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Undertakers to give to the directors or any of them any security by way of indemnity.

Qualifica-
tion and
notice of
candidature
of or of
opposition
to re-elec-
tion of
director.

27.—(1) No person shall be eligible to be elected a director at any general meeting of the Undertakers unless he shall have been the holder of the qualifying amount of shares or stock for at least two months prior to his election.

(2) No person not being a director retiring by rotation and offering himself or being proposed for re-election or not being a candidate for election by the directors to fill a casual vacancy shall be capable of being elected a director of the Undertakers unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the principal office of the Undertakers fourteen days at least before the day of election and the secretary shall during those fourteen days and on the day of election cause to be displayed a copy of every such notice so delivered in some conspicuous place in the principal office.

(3) In the case of a retiring director notice of opposition to his re-election shall be given in like manner.

Substitution
of card
index for
share-
holders'
address
book.

28. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 the Undertakers may substitute for the shareholders' address book provided under that section a card or other index (of a type to be approved by the auditors of the Undertakers) containing the names and addresses of the several shareholders of the Undertakers and that section in its application to the Undertakers shall be read and have effect accordingly.

Register of
share-
holders.

29. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Undertakers to authenticate by the affixing of their common seal or otherwise the register of shareholders.

Directors
may deter-
mine re-
muneration
of secretary.

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

Auditors.

31. It shall be lawful for the Undertakers at any time by resolution passed at a general meeting to decide that the accounts of the undertaking shall be audited by a single auditor or by a firm of accountants and notwithstanding anything

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in the Companies Clauses Consolidation Act 1845 it shall not be necessary for such auditor or the members of such firm to hold any share or stock of the Undertakers.

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—
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32.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they may think fit to any employee or where in any particular case no adequate provision is in their opinion otherwise made to the widow or family or any dependent of an employee or to any superannuation fund established for the benefit of the employees or of their widows or families.

Power to grant pensions &c.

(2) The directors may enter into and carry into effect agreements with any local authority as defined by the Local Government and other Officers' Superannuation Act 1922 to which that Act applies or with any insurance company or other association or company for securing to any such employee widow family or dependent such gratuities pensions allowances or payments as are by this article authorised to be granted or made.

(3) The directors may subscribe or make donations to infirmaries hospitals convalescent homes and other institutions and to the benevolent and sick funds of the employees.

(4) The directors may apply the revenues of the Undertakers to any of the purposes of this article.

33.—(1) The Undertakers may establish and carry into effect and from time to time alter modify or rescind a scheme or schemes for the provision of superannuation allowances for employees and may by any such scheme provide for the making of contributions by the Undertakers and by the employees to the superannuation fund formed under any such scheme and for the investment of moneys for the time being forming part of any such fund and the accumulation of interest or dividends on such investments by way of compound interest :

Super-annuation scheme.

Provided that no such modification alteration or rescission of any such scheme shall without his consent place any employee who at the date of such modification alteration or rescission is entitled under such scheme to a superannuation allowance in a worse position than he would have been if such modification alteration or rescission had not been made.

(2) Any superannuation fund formed under any scheme established by the Undertakers under the powers of this article shall not come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

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Dwelling-
houses for
employees
offices
showrooms
&c.

(3) The Undertakers may apply their revenues to any of the purposes of this article.

34. The Undertakers may purchase or take on lease houses cottages and other buildings for their employees and offices show-rooms and other buildings for the purpose of the undertaking and may erect fit up maintain and let any such building upon any land for the time being belonging or leased to the Undertakers:

Provided that the total quantity of land held by the Undertakers at any one time under this article shall not exceed twenty acres.

PART V.

WATER RATES AND CHARGES.

Increased
charge in
case of
high level
supplies.

35. The Undertakers may charge for the supply of water to premises situate in any portion of the limits of supply which is at a height exceeding three hundred feet above ordnance datum and not comprised within the borough of Folkestone as constituted at the commencement of this order an additional charge not exceeding twenty-five per cent. upon the rates charges or sums which but for this article would have been chargeable by them.

Rates
leviable
half-yearly.

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

Rates
payable by
owners of
small
houses.

37.—(1) Where the net annual value of a house supplied with water does not exceed fifteen pounds or the house 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 of water but the rate may be recovered by the Undertakers from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or agreement be deducted by the occupier 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.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under this article by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the commencement of this order.

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38.—(1) The Undertakers shall not be bound to supply with water otherwise than by meter— A.D. 1930.

- (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 or any asylum or hospital (whether public or private) or any nursing-home sanatorium school club hotel public-house restaurant 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.

—
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Water Order.
 Supply to
 certain
 premises.

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

(3) The minimum quarterly charge for a supply of water by meter to any of the premises in this article mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

39.—(1) Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Undertakers may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty 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.

Charges for
 supply by
 hose-pipe.

(2) The additional sums chargeable under this article shall be payable in advance and be recoverable in all respects with and in the same manner as the rate for the supply of water for domestic purposes to the premises.

(3) Where water supplied by the Undertakers to a person who takes a supply both for domestic purposes and by measure for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Undertakers may if they think fit require that all water so used shall be taken by measure and paid for accordingly.

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—
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Water Order.
Charges for
supplies for
refrigerating
apparatus.

40. Where a person who takes a supply of water for domestic purposes from the Undertakers desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Undertakers shall be entitled to require that all water so used shall—

- (1) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or
- (2) be paid for at such rates as may be agreed between the consumer and the Undertakers.

Amendment
of section 16
of Act of
1898.

41. Section 16 (Maximum price of water supplied by agreement except for shipping) of the Act of 1898 shall be read and have effect as if the words “by measure” were therein inserted after the words “to supply.”

Minimum
price for
supply by
measure.

42. Notwithstanding anything in the existing Acts and orders the Undertakers shall be entitled to charge for each supply of water by measure (other than a supply given under the articles of this order of which the marginal notes are respectively “Supply to certain premises” and “Charges for supplies for refrigerating apparatus”) such minimum sum not exceeding twenty shillings as they may prescribe in respect of the water supplied in any quarter of a year.

For pro-
tection of
Folkestone
Corporation.

43. The provisions in this part of this order of which the marginal notes are respectively “Supply to certain premises” and “Minimum price for supply by measure” so far as they relate to the payment of a minimum quarterly charge for a supply of water by measure shall not apply to any supply which the Undertakers afford or may afford to the mayor aldermen and burgesses of the borough of Folkestone for public purposes under the provisions of section 25 of the Act of 1848.

PART VI.

WATER SUPPLY.

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

44. 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.”

Separate
communica-
tion pipes
may be
required.

45.—(1) The Undertakers shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit by a notice in writing require the owner of any house to lay a separate pipe from the main pipe into that house.

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(2) If the owner of any house supplied with water by the Undertakers fails within a period of one month after the receipt of a notice under paragraph (1) of this article to provide a separate pipe from the main pipe into that house the Undertakers may themselves do the work and may recover from that owner the reasonable cost so incurred by them summarily as a civil debt.

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—
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46. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of that pipe in such shares as may be settled by the engineer of the Undertakers.

Maintenance of common pipe.

47. Notwithstanding anything in the existing Acts and orders the Undertakers shall have the exclusive right of executing any works on any of the water mains of the Undertakers for connecting any communication or service pipes 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 (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work on any such main and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and the reasonable expenses incurred by the Undertakers in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Undertakers to connect communication pipes with mains.

48. 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 discontinuance.

49. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public and private streets roads lanes footways courts passages tramways sewers pipes wires and apparatus :

Meters &c. to measure water or detect waste.

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Provided that the Undertakers shall not—

- (1) 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 that Act; or
- (2) enter upon break up or interfere with the railway or works or any electric lines wires or apparatus belonging to a railway company or any street belonging to a railway company without the consent of that company which consent shall not be unreasonably withheld nor shall the Undertakers unreasonably obstruct or interfere with the access to or exit from any station or depot of that company.

Power to
Under-
takers to
repair com-
munication
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 to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the reasonable expenses incurred by the Undertakers for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Undertakers from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable :

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.

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

51. 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 and disconnecting of meters shall be done at his cost and under the 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.

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52.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate rent or charge is charged and sought to be recovered by the Undertakers :

Provided 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.

(2) If any meter used by a consumer of water shall be proved to register erroneously the erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter and the amount of the allowance to be made to the consumer or of the surcharge to be made upon him by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall in the case of a surcharge be recoverable in the like manner as rates for water are recoverable by the Undertakers.

53.—(1) Every person who—

- (a) 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
- (b) 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
- (c) 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 from the offender the amount of any damage by them sustained.

(2) Where any person has been convicted of an offence under paragraph (1)(c) of this article the Undertakers may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter or other instrument of the quantity of water supplied by means thereof and the expenses 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.

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Register of
meters to be
prima facie
evidence.

Injuring
meters &c.

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(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when the pipe meter instrument or fitting is 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 fitting.

Penalty for
closing
valves and
apparatus.

54. Every person who—

(1) without the consent of the Undertakers shall wilfully;

or

(2) shall negligently;

close or shut off any valve cock or other work or apparatus belonging to the Undertakers whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Undertakers) be liable on conviction to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained:

Provided that this article shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for
interference
with valves
&c.

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

Extension
of power
to inspect
premises.

56. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Undertakers may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Undertakers in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Fittings let
for hire
not to be
subject to
distress &c.

57.—(1) If any fittings let for hire by the Undertakers shall bear either a distinguishing metal plate affixed to them or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners of the fittings those fittings shall not be subject to distress

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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.

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(2) All fittings let for hire by the Undertakers notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises shall at all times continue to be the property of and removable by the Undertakers :

Provided that nothing in this provision shall affect the valuation for rating of any rateable hereditament.

58. 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
private
streets.

Provided that the powers of this article shall not be exercised in regard to any street belonging to the Southern Railway Company except with the consent of that Company but such consent shall not be unreasonably withheld nor shall the Undertakers in carrying out any works authorised by this article unreasonably obstruct or interfere with the access to any such street.

59.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus used for the supply of water from the works of the Undertakers the person liable to maintain the same shall have the like power to open the ground as is conferred upon persons by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes subject nevertheless to the conditions imposed by those sections.

Opening of
ground by
persons
liable to
maintain
pipes &c.

(2) The Undertakers by agreement with any owner or occupier who is entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street may subject to the like conditions execute such works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable 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.

60.—(1) Where the limits of supply are bounded by or abut upon any street or part of a street wholly outside those limits the Undertakers may for the purpose of supplying water to the owner or occupier of any premises abutting upon that street or part of a street and being within the limits of supply exercise with respect to such street or part of a street outside

As to
streets
forming
boundary
of limits
of supply.

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A.D. 1930. those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the limits of supply subject nevertheless to the observance of the conditions imposed on an exercise of those powers.

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(2) The owner and occupier of any premises to which paragraph (1) of this article applies may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Undertakers and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street or part of a street were wholly within the limits of supply.

(3) Nothing in this article shall entitle or require the Undertakers to supply water to the owner or occupier of any premises abutting upon any such street and being outside the limits of supply.

Discharge of
water into
streams.

61.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir well adit aqueduct line of pipes or other work of the Undertakers the Undertakers may cause the water in any such work to be discharged into any available stream watercourse or ditch.

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

(3) The powers conferred by this article shall not be exercised so as to damage or injuriously affect the railways or works of the Southern Railway Company.

For pro-
tection
of Earl of
Radnor.

62. For the protection of the Right Honourable William Earl of Radnor (in this article referred to as "the landowner") the following provision shall unless otherwise agreed in writing between the landowner and the Undertakers apply and have effect (that is to say):—

Notwithstanding anything contained in the preceding article of this order the Undertakers shall not under the powers of that article cause to be discharged directly or indirectly into the Pent Stream or any tributary thereof any water which when added to the existing flow would be in excess of the capacity of the stream or tributary as the case may be or of any culvert over or of any line or lines of pipes carrying the same.

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63.—(1) Any 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 that 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 the district.

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Guarantees
 &c. by
 district
 councils.

(2) The giving of a 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 district council they may incur expenditure and the district 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) Subject to the provisions of the Local Government Act 1929 any expenses incurred by a rural district council in pursuance of this article shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

(4) Nothing in this article shall be deemed to authorise a district council to use any water supplied by the Undertakers under any such guarantee or contract as aforesaid in any part of their district 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.

PART VII.

SUPPLEMENTAL.

64.—(1) Any notice to be served by the Undertakers 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 or by the name of the officer being printed or stamped on the notice.

Authentica-
 tion and
 service of
 notices by
 Undertakers.

(2) Any such notice may be served either personally or by a prepaid letter sent by post and addressed to the person to be served by name at his last known or usual place of abode or of business or by delivering the notice to any inmate of the premises supplied with water or if the premises are unoccupied and the place of abode of the person to be served cannot be found after proper inquiry any notice not being a notice to pay any charge may be affixed to some conspicuous part of the premises.

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Recovery of
demands.

65. Proceedings for the recovery of any demand made under the authority of any Act or order from time to time relating to the Undertakers 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.

Justices not
disqualified.

66. A judge of any court or a justice shall not be disqualified from acting in the execution of the existing Acts and orders or this order by reason of his being liable to the payment of any rate.

Several
sums in one
summons
or warrant.

67. Where the payment of more than one sum by any person is due under this order or any Act or other order relating to the Undertakers any summons or warrant issued for any of the purposes of those Acts or orders in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Recovery of
penalties &c.

68. Save as otherwise expressly provided by any Act or order from time to time relating to the Undertakers all offences against any such Act or order and all penalties forfeitures costs and expenses imposed by or recoverable under any such Act or order or any byelaw made in pursuance of a power thereby conferred 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.

Penalties not
cumulative.

69. Penalties imposed under the existing Acts and orders or this order or the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Repeal.

70.—(1) The enactments mentioned in the first schedule to this order are hereby repealed to the extent shown in the third column of that schedule.

(2) The consent order of 1924 is hereby repealed in so far as the powers thereby conferred have not been exercised at the commencement of this order.

Costs of
order.

71. All costs charges and expenses of and incidental to the application for this order and the preparation making and confirmation of this order shall be paid by the Undertakers and may in whole or in part be defrayed out of revenue.

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SCHEDULES.

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FIRST SCHEDULE.

ENACTMENTS REPEALED.

1. Session and Chapter.	2. Short title.	3. Extent of repeal.	4. Subject-matter of repealed enactment.
11 & 12 Vict. c. vi.	The Folkestone Waterworks Act 1848.	Section 17	Borrowing on mortgage or bond.
18 & 19 Vict. c. vii.	The Folkestone Waterworks Amendment Act 1855.	Section 13 Section 15	Borrowing on mortgage or bond. Priority of former mortgages and bonds.
21 & 22 Vict. c. x.	The Folkestone Waterworks Acts Amendment Act 1858.	Section 7 Section 8 Section 19	Borrowing on mortgage or bond. Priority of former mortgages and bonds. Power of surveyor to enter premises.
27 & 28 Vict. c. v.	The Folkestone Waterworks Acts Amendment Act 1864.	Section 16 Section 17 Section 24	Borrowing on mortgage. Priority of existing mort- gages. Occupiers as well as owners of small houses to be liable for rates.
34 & 35 Vict. c. xxvi.	The Folkestone Waterworks Act 1871.	Section 16 Section 18	Borrowing on mortgage. Priority of existing mort- gages.
51 & 52 Vict. c. xxv.	The Folkestone Waterworks Act 1888.	Section 6 Section 13 Section 14 Section 15 Section 16 Section 18 Section 19 Section 22	Stop valves. Offer by auction or tender of new shares or stock. Time of payment for shares or stock sold by auction. Notice of sale by auction or tender of shares or stock. Shares or stock not sold by auction or tender to be offered to shareholders. Borrowing in respect of capital already raised. Borrowing in respect of addi- tional capital. Debenture stock.

[Ch. cxlix.] *Ministry of Health* [20 & 21 GEO. 5.]
Provisional Order Confirmation (Folkestone Water)
Act, 1930.

A.D. 1930.
 —
Folkestone
Water Order.

1. Session and Chapter.	2. Short title.	3. Extent of repeal.	4. Subject-matter of repealed enactment.
61 & 62 Vict. c. cxlvii.	The Folkestone Water Act 1898.	Section 33 Section 35 So much of section 36 as extends and applies sections 13 to 16 and section 22 of the Act of 1888.	Borrowing in respect of additional capital. Appointment of receiver. Application of certain provisions to additional capital and additional borrowing authorised by the Act of 1898.

SECOND SCHEDULE.

LANDS THE PURCHASE OF WHICH BY THE UNDERTAKERS IS
 CONFIRMED BY THIS ORDER.

Lands situate in the rural district of Dover and county of Kent comprising 57 acres 2 roods and 17 poles or thereabouts and being the enclosures numbered 35 36 38 and 39 and part of the enclosure numbered 87 in the parish of Alkham and the enclosure numbered 41 in the parish of Capel le Ferne on the 1/2500 ordnance map (Kent sheet LXVII. 15 3rd edition 1907).

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