

3 & 4 GEO. 6. *Ministry of Health* **Ch. xxvii.**
Provisional Order Confirmation (Thirsk District Water)
Act, 1940.



CHAPTER xxvii.

An Act to confirm a Provisional Order of the Minister of Health relating to the Thirsk District Water Company Limited.

[27th June 1940.]

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 (Thirsk District Water) Act 1940.

Short title.

SCHEDULE.

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 to make further provision as to the capital and borrowing powers of the Thirsk District Water Company Limited 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 Thirsk District Water Order 1940.

(2) The Thirsk District Water Orders 1879 to 1927 and this order may be cited together as the Thirsk District Water Orders 1879 to 1940.

Commencement
of order.

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

Incorporation of
Acts.
10 & 11 Vict.
c. 17.
26 & 27 Vict.
c. 93.

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 this order 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.

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4.—(1) In this order the several terms and expressions to which meanings are assigned by the Waterworks Clauses Act 1847 and by the Gas and Water Works Facilities Act 1870 shall unless the context otherwise requires have the same respective meanings.

PART I.
—cont.
Interpre-
tation.

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

“the Undertakers” means the Thirsk District Water Company Limited;

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

“the commencement of this order” means the date upon which this order comes into operation;

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

“the Minister” means the Minister of Health;

“the directors” means the directors of the Undertakers;

“employee” includes any officer workman or other person employed by the Undertakers other than a director;

“consumer” means a person supplied or about to be supplied with water by the Undertakers;

“house” means a dwelling-house whether a private dwelling-house or not and includes any part of a building if that part is occupied as a separate dwelling-house;

“service pipe” means so much of any pipe for supplying water from a main of the Undertakers to any premises as is subject to water pressure from that main or would be so subject but for the closing of some tap;

“water fittings” includes pipes taps cocks valves ferrules meters cisterns baths waterclosets soilpans and other similar apparatus used in connection with the supply and use of water;

“highway authority” means in the case of a highway maintainable at the public expense the authority in whom that highway is vested;

“the order of 1879” “the order of 1884” “the order of 1915” and “the order of 1927” respectively mean the Thirsk District Water Orders of those respective years;

“the existing orders” means the order of 1879 the order of 1884 the order of 1915 and the order of 1927.

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PART II.—FINANCIAL PROVISIONS.

Additional capital.

5. In addition to the capital of the Undertakers authorised by the order of 1879 the order of 1884 and the order of 1915 the Undertakers for the purposes of the undertaking may raise any further sums not exceeding in the whole twenty-two thousand pounds by the creation and issue of new ordinary shares or new preference shares or wholly or partly by any one or more of those modes respectively (in this order referred to as "the additional capital") but it shall not be lawful for the Undertakers to create and issue under the powers of this section any greater nominal amount of capital than will be sufficient to produce after taking into account premiums and discounts (if any) which may be obtained or allowed on the sale thereof the said sum of twenty-two thousand pounds.

Limit of borrowing powers.

6.—(1) Notwithstanding anything contained in the existing orders the Undertakers may borrow on mortgage of the undertaking any sum or sums of money (inclusive of any sums already borrowed by them) not exceeding in the whole seventy-five per centum of the amount of the capital of the Undertakers (including the additional capital) at the time actually raised in respect of the undertaking by the issue of shares including premiums and allowing for discounts.

(2) The Undertakers shall not without the consent of the Minister pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed by the Undertakers after the commencement of this order and secured as aforesaid.

Sale of shares by auction or tender.

7.—(1) Save as otherwise expressly provided by this order all shares hereafter issued by the Undertakers for the purposes of the undertaking shall be issued in accordance with the provisions of this section.

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

Provided as follows :—

(a) Notice of the intended sale shall be given in writing to the clerk of 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 seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspaper or newspapers circulating within the limits of supply ;

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- (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 reception of tenders as the case may be;
- (c) In the case of a sale by auction no lot offered for sale shall comprise shares of greater nominal 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 shares of the Undertakers may be accepted in preference to the offer of the same sum by any person not such a holder and preference may in like manner be given to the offer of any employee or of 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 which have been so offered for sale and are not sold may be offered at the reserve price in manner prescribed by a resolution passed by the directors to the holders of shares of the Undertakers and to employees and to consumers of water supplied by the Undertakers in such proportions as the directors may think fit or to one or more of these classes of persons only:

Provided that in the case of an offer to holders of shares if the aggregate amount of any class of shares applied for shall exceed the amount thereof 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 which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section 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 sold the total amount (if any) obtained as premium in each case and the highest and lowest prices obtained for each class of shares.

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(6) (a) This section shall not apply to any shares to be issued by the Undertakers for the purposes of the undertaking to a nominal amount which (together with any premium) is equivalent to the nominal amount (including any premiums on the redemption thereof) of any redeemable preference shares the holders of which on the redemption thereof agree to take up such first-mentioned shares.

(b) For the purposes of this subsection "redeemable preference shares" means any preference shares which shall have been issued by the Undertakers for the purposes of the undertaking in pursuance of section 46 of the Companies Act 1929.

19 & 20
Geo. 5. c. 23.

Special
provision
for benefit
of small
investors.

8. Notwithstanding anything in the last preceding section the directors may with the approval of a resolution of a general meeting of the Undertakers reserve a proportion not exceeding one-fourth of each issue of shares for the purposes of the undertaking for exclusive offer in the first instance to employees and to consumers of water supplied by the Undertakers at such price and upon such terms and conditions as to payment therefor and the payment of dividends thereon until the same become fully paid as the directors may prescribe :

Provided that every allotment of shares under this section shall be at a price not less than the reserve price at which the like class of shares of the same issue shall be offered under the provisions of the said section of this order.

Sale of
shares to
employees
and con-
sumers at a
fixed price.

9. When any shares are to be issued by the Undertakers for the purposes of the undertaking the Undertakers in lieu of offering the shares for sale by public auction or tender may with the previous approval of the Minister and subject to such conditions as the Minister may think fit to impose offer such shares to employees and to consumers of water supplied by the Undertakers at not less than the average price (after due allowance made for any enhancement in price by reason of any anticipated dividend) at which according to the books of the Undertakers sales of shares of the same class were effected within the period of six months immediately preceding the date of application by the Undertakers for such approval as aforesaid or if there has been only one sale or no sale of such shares during such period then the price at which the last sale of such shares was effected making due allowance not exceeding five per centum for any probable change in value since such date due to the anticipation or payment of dividend or any other cause.

Power to
offer shares
for sub-
scription
by public.

10. Notwithstanding anything in any Act or order relating to the Undertakers the Undertakers may with the approval of the Minister and subject to such conditions as the Minister may

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think fit to impose offer for subscription by the public any shares which they may for the time being be authorised to issue.

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11. Nothing in this order shall be deemed to authorise the issue of any shares at a discount except as provided by the Companies Act 1929.

As to issue of shares at a discount.

12. The following provisions of the order of 1915 and the order of 1927 shall apply and have effect for the purposes of this order as if they were re-enacted herein :—

Application of provisions of existing orders.

The order of 1915—

Section 22 (Limits of dividend on new capital) as amended by section 7 (Dividends on preference capital) of the order of 1927;

Subsection (1) of section 27 (Application of moneys).

The order of 1927—

Section 9 (Application of moneys) :

Provided that for the purposes of such application the expression “ the new capital ” in section 22 of the order of 1915 shall be deemed to mean the additional capital.

13.—(1) So long as this section continues in force it shall not be lawful without the consent of the Treasury to exercise the powers of borrowing or raising capital conferred by this order.

Saving for emergency powers of Treasury.

(2) Section one hundred and thirteen of the Stamp Act 1891 (which in the case of any increase in the amount of nominal share capital of a company being authorised by any Act charges stamp duty on a statement of the amount of such increase to be delivered within one month from the passing of the Act) shall as amended by any subsequent enactment have effect as respects any share capital authorised to be raised by this order as if this order had come into operation on the date when such consent as aforesaid is given as respects that capital or on the date when this section expires whichever first occurs.

54 & 55 Vict. c. 39.

(3) This section shall continue in force so long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939.

2 & 3 Geo. 6. c. 62.

PART III.—SUPPLY OF WATER.

14.—(1) Where any premises which are within the limits of supply abut on or are situate near to any street which is as to the whole or a part of its width outside those limits the Undertakers may for the purpose of supplying water to the owner or occupier of

Power to break open streets forming boundary

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—cont.
of limits of
supply.

those premises exercise with respect to the whole width of the street the like powers of laying inspecting repairing altering renewing and removing pipes and of breaking open the street for that purpose as are exerciseable by them with respect to streets within the said limits subject however to the like conditions and obligations.

(2) The owner or occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any service 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 where such street forms the boundary of or abuts on the limits of supply the whole width of the street were within the limits of supply.

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

(4) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

Cisterns to
be provided
for high
level
supplies.

15.—(1) The Undertakers may require that any house the erection of which is commenced after the commencement of this order and to which water is required to be delivered at a height greater than thirty-five feet below the draw-off level of the service reservoir or tank from which a supply of water is being or is to be furnished by them shall be provided with a cistern having a ball and stop-cock fitted on the pipe conveying water to it and may require that the cistern shall be capable of holding sufficient water to provide an adequate supply to the house for a period of twenty-four hours.

(2) If a consumer whom the Undertakers have in accordance with the foregoing provision required to provide a cistern fails to comply with the requirement or if a consumer fails to keep in good repair any cistern in use in his building or the ball and stop-cock appurtenant to that cistern the Undertakers may themselves provide a cistern or execute any repairs necessary to prevent waste of water and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the building but without prejudice to the rights and obligations as between themselves of the owner and the consumer.

Supplies to
swimming
baths and
bathing
pools.

16. Where a person who takes a supply of water for domestic purposes from the Undertakers desires to use water for a swimming bath or bathing pool the Undertakers may require that all water required for such swimming bath or bathing pool shall be taken by

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meter on the conditions and at the rates for the time being in force for the supply of water by the Undertakers by meter.

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17.—(1) Where water which the Undertakers supply for domestic purposes and in respect of which they charge a water rate—

Additional charges where water supplied for domestic purposes and paid for by water rate is used for other purposes.

- (a) is used for watering a garden; or
- (b) is used for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept;

the Undertakers may in either case if a hosepipe or other similar apparatus is used charge in respect of that use of the water an additional annual sum not exceeding twenty shillings and (where in any case to which paragraph (b) of this subsection applies more vehicles than one are kept) a further annual sum not exceeding ten shillings for each vehicle beyond the first.

(2) Where in either of such cases the water used is drawn from a tap outside a house but no hosepipe or similar apparatus is used the Undertakers may charge additional annual sums not exceeding one-half the maximum sums chargeable under the preceding subsection.

(3) Sums charged under the provisions of this section shall be paid in advance either quarterly or half-yearly as the Undertakers may determine and shall be recoverable in the manner in which water rates are recoverable.

18. Where water which the Undertakers supply for domestic purposes and in respect of which they charge a water rate is used by means of a hosepipe or other similar apparatus for watering a garden or for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept and the consumer takes also a supply of water by meter for purposes other than domestic the Undertakers may require that all water used by him by means of the hosepipe or other apparatus shall be taken by meter on the conditions and at the rates for the time being applicable to his supply by meter for other non-domestic purposes.

Power to require supply for hosepipe to be taken by meter in certain cases.

19. Where a person who takes a supply of water for domestic purposes from the Undertakers otherwise than by meter desires to use any of the water so supplied—

Charges for supplies for refrigerating apparatus &c.

- (a) for operating a water-cooled refrigerating apparatus; or
- (b) for operating any apparatus depending while in use upon a supply of continuously running water not being an apparatus used solely for heating the water; or

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(c) for cleaning regenerating or supplying motive power to any apparatus used for softening water ;

the Undertakers may require that all water so used shall—

(i) be paid for at a reasonable rate to be determined in default of agreement by a court of summary jurisdiction ;
or

(ii) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by the Undertakers by meter and in that event the minimum quarterly charge for the water shall be ten shillings :

Provided that no charge shall be made under this section in respect of a water-softening apparatus used within a house for which the supply of water is taken if one such apparatus only is used and if the water softened thereby is used solely for domestic purposes.

Provisions
as to
supply to
sheds tents
vans &c.

20.—(1) No person shall be entitled to demand or to continue to receive from the Undertakers a supply of water to any habitation to which this section applies unless he has—

(a) agreed with the Undertakers to take a supply of water by meter and to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the required supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for his habitation and will yield a reasonable return on cost of the water supplied ; and

(b) secured to the reasonable satisfaction of the Undertakers by way of deposit or otherwise payment of such a sum as may be reasonable having regard to his possible maximum demand for water.

The annual sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction whose decision shall be final.

(2) The habitations to which this section applies are tents vans or other conveyances whether on wheels or not and sheds or similar structures not being structures to which the building byelaws of the local authority of the district apply.

Power of
Undertakers
to require
separate
service pipes.

21.—(1) The Undertakers may require the provision of a separate service pipe for each house supplied or to be supplied by them with water.

(2) If in the case of a house already supplied with water but not having a separate service pipe the Undertakers give notice to the owner of the house requiring the provision of such a pipe the owner shall within three months lay the required pipe.

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(3) If an owner upon whom a notice has been served under the last preceding subsection fails to comply therewith the Undertakers may themselves execute the work which he was required to execute.

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—cont.

(4) The expenses reasonably incurred by the Undertakers in executing the work which they are empowered by the last preceding subsection to execute shall be repaid to them by the owner of the house and may be recovered by them from him summarily as a civil debt but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the house.

(5) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the water rates in respect of all those houses then so long as he punctually pays those rates and the service pipe of those houses is sufficient to meet the requirements thereof the Undertakers shall not require the provision of separate service pipes for those houses.

(6) Without prejudice to the provisions of the last preceding subsection where at the commencement of this order two or more houses were being supplied with water by a single service pipe the Undertakers shall not require the provision of separate service pipes for those houses until either—

- (a) the existing service pipe becomes so defective as to require renewal or is no longer sufficient to meet the requirements of the houses; or
- (b) an instalment of the water rate in respect of any of the houses remains unpaid after the end of the period for which it is due; or
- (c) the houses are by structural alterations to one or more of them converted into a larger number of houses.

22. 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 such pipe and their respective proportions of contributions shall be settled by a duly authorised officer of the Undertakers.

Mainten-
ance of
common
pipe.

23. Notwithstanding anything in any Act or order from time to time relating to the Undertakers the Undertakers shall have the exclusive right of executing any work on any of the mains of the Undertakers for connecting any service 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 (subject to the

Undertakers
to connect
service pipes
with mains.

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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 and supply all fittings and materials which shall be necessary to connect the 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.

Stop-cocks
to be fitted
in service
pipes.

24.—(1) In the case of all buildings the erection of which is commenced after the commencement of this order connected with the mains of the Undertakers the Undertakers may in cases where the service pipes are laid by the person requiring the supply or by the Undertakers at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock enclosed in a covered box or pit of such size as may be reasonably necessary and if such person fails to comply with such requirement the Undertakers may so insert and maintain a stop-cock and recover the reasonable expenses incurred by them from such person summarily as a civil debt.

(2) Every stop-cock fitted on a service pipe after the coming into force of this section shall be placed in such position as the Undertakers deem most convenient :

Provided that—

- (a) a stop-cock in a street shall after consultation with the highway authority concerned be placed as near to the boundary thereof as is reasonably practicable ; and
- (b) a stop-cock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises.

(3) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a service pipe from any premises within the limits of supply the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of pipes to be laid by the inhabitants.

(4) The Undertakers may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street within the limits of supply execute such works on behalf of such person and any expenses reasonably incurred by the Undertakers in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

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(5) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

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25. The Undertakers may test any water fittings used in connection with water supplied by them :

Power to
 test water
 fittings.

Provided that where water is supplied by meter to a factory within the meaning of the Factories Act 1937 or to premises which belong to a railway company and are held or used by them for the purposes of their railway the power of testing conferred by this section shall apply only in relation to a meter used by the Undertakers for measuring the water supplied by them and to any water fittings between that meter and the main.

1 Edw. 8. &
 1 Geo. 6.
 c. 67.

26. Where there is communication otherwise than by a highway between buildings or parts of buildings in the occupation of the same person those buildings or parts of buildings shall if the Undertakers so decide be treated for the purpose of charging water rates as one building having a gross value equal to the aggregate of their gross values.

As to gross
 value of two
 or more
 buildings in
 one
 occupation.

27.—(1) Notwithstanding anything in the Waterworks Clauses Act 1847 or in any Act or order from time to time relating to the Undertakers the water rates rents and charges leviable by the Undertakers shall if the Undertakers so resolve 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
 half-yearly.

(2) While such a resolution is in operation if the person who is or who but for the provisions of section 32 (Rates payable by owners of small houses) of the order of 1915 would be liable to pay the water rate payable in respect of any premises is in occupation of those premises during a portion only of a half-year he or as the case may be the owner of the premises shall be liable to pay so much only of the half-yearly instalment as bears to the whole instalment the same proportion as the number of days within the half-year during which the first-mentioned person is in occupation bears to the number of days in the half-year and if either of them has paid any greater proportion of the instalment he shall be entitled to recover the excess from the Undertakers except in so far as he has previously recovered it from an incoming occupier.

28. Where in any case the Undertakers are authorised to cut off the pipe supplying water to any premises or to turn off water from any premises any officer workman or duly authorised agent of the Undertakers may after giving not less than twenty-four hours' notice in writing to the occupier of the premises or if the premises are unoccupied to the owner thereof enter the

Entry on
 premises for
 authorised
 cutting off.

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premises between the hours of nine in the forenoon and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of cutting off any pipe by which the water is supplied to the premises. If any person hinder any such officer workman or agent from entering any premises in pursuance of this section he shall for every such offence be liable to a penalty not exceeding five pounds.

**Extension of
power to
inspect
premises.**

29. 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 hours of seven and nine in the forenoon and also between the hour of four in the afternoon and one hour after sunset enter any 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 under the said section 57 or under this section or from making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds :

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

PART IV.—MISCELLANEOUS.

**Power to
pay super-
annuation
and other
allowances
&c. and to
assist
research.**

30.—(1) The Undertakers may—

- (a) grant gratuities pensions or superannuation allowances to or to the widows families or dependants of their employees ;
- (b) establish contributory superannuation schemes and establish and contribute to superannuation funds for the benefit of their employees ;
- (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant such gratuities pensions or allowances as are by this section authorised to be granted ;
- (d) give donations or subscriptions to charitable institutions sick funds benevolent funds and other objects calculated to benefit their employees ;
- (e) subscribe to the funds of any association formed for the purpose of furthering the interests of water undertakers ;
- (f) make contributions for furthering research in matters with which water undertakers and their officers are concerned.

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(2) No employee of the Undertakers shall be required to become a contributor to any superannuation fund established under this section until the fund has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

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17 & 18
 Geo. 5. c. 41.

31. Any person being the owner or occupier of any 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 pipe shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

Penalty for opening valves and apparatus.

32. Subsection (1) of section 20 (Recovery of demands) of the order of 1927 shall be modified by the substitution for the words "in a personal action" of the words "in an action founded on contract or tort."

Recovery of demands.

33. Subsection (1) of section 22 (Several sums in one summons) of the order of 1927 shall be modified by the substitution for the words "of the existing Orders or this Order" of the words "one or more of the Acts or orders from time to time relating to the Undertakers" and for the words "such Order" of the words "one or more of such Acts or orders."

Several sums in one summons.

34. Subsection (1) of section 23 (Judges not disqualified) of the order of 1927 shall be modified by the substitution for the words "the existing Orders and this Order" of the words "any Act or order from time to time relating to the Undertakers" and for the words "those Orders" of the words "those Acts or orders."

Judges not disqualified.

35. For the protection of the county council of the administrative county of the North Riding of Yorkshire (in this section referred to as "the county council") the following provisions shall unless otherwise agreed between the Undertakers and the county council apply and have effect with respect to the exercise in or affecting any road or bridge of the powers of the Thirsk District Water Orders 1879 to 1940 (that is to say):—

For protection of North Riding County Council.

(1) In this section—

"road" means a road vested in the county council;

"bridge" means a bridge repairable by the county council and includes the approaches to the bridge and the roadway and footways (if any) over such bridge and approaches;

"along" includes in upon and across;

"position" includes depth;

"surveyor" means the surveyor to the county council:

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- (2) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid along any road or bridge shall be laid in such position as the county council in writing under the hand of the surveyor may reasonably direct :
- (3) The notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any road or bridge be not less than fourteen clear days instead of three clear days :
- (4) The notice required by section 30 of the Waterworks Clauses Act 1847 shall be accompanied by the plan required by section 31 of the said Act and (where applicable) by a section of the proposed works and any difference as to any such plan or section or as to the temporary or other works referred to in the said section 31 shall be determined by arbitration under this section instead of in the manner prescribed by the said section 31. If the county council shall not within fourteen days after the plan and the section (if any) shall have been delivered to them express their disapproval thereof and the grounds of such disapproval or signify their requirements in relation thereto they shall be deemed to have approved thereof and to have given directions under the hand of the surveyor for the apparatus shown thereon to be laid in the position shown on the said plan :
- (5) As respects any road or bridge the filling in of the ground and the reinstatement of the road or pavement in pursuance of the provisions of section 32 of the Waterworks Clauses Act 1847 shall be carried out in accordance with a specification to be submitted by the Undertakers to and reasonably approved by the surveyor. If the surveyor shall not within seven days after the specification shall have been submitted to him express his disapproval thereof and the grounds of such disapproval or signify his requirements in relation thereto he shall be deemed to have approved thereof :
- (6) Nothing in the Thirsk District Water Orders 1879 to 1940 shall interfere with the right of the county council to alter the level of deviate widen reconstruct or improve (each of which works is in this subsection referred to as a "highway alteration") any road along which any mains pipes or works of the Undertakers shall have been laid or to remove alter rebuild widen or repair (each of which works is in this section referred to as a "bridge alteration") any bridge along which any mains pipes or works of the Undertakers are carried in the same manner as if those orders had not been made and in the event

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of any such highway alteration or bridge alteration being intended by the county council in such manner as reasonably to require the alteration of any such main pipe or work the Undertakers may and (on receiving notice in writing under the hand of the surveyor so to do) shall with all reasonable dispatch alter the position of any such mains pipes or works in such manner and to such extent as may be agreed between the county council and the Undertakers or as failing such agreement shall be determined by arbitration in the manner hereinafter prescribed :

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—cont.

Provided that during the highway alteration or bridge alteration the county council shall afford all reasonable facilities to enable the Undertakers temporarily to carry or accommodate such mains pipes and works so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through the same and that the county council shall repay to the Undertakers the expenses reasonably incurred by the Undertakers in effecting any such alteration of the position of any such mains pipes or works :

- (7) All works of the Undertakers shall be so executed as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any road or over any bridge and the Undertakers shall not break up at any one time a greater consecutive length of any road or bridge than shall be reasonable :
- (8) Any matter required by this section to be determined by arbitration and any difference which may arise between the Undertakers and the county council respecting any of the matters referred to in this section shall be referred to and determined by an engineer to be appointed 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 Acts 1889 to 1934 or of any statutory modification or re-enactment thereof for the time being in force shall apply to any such reference and determination.

36. The following provisions of the under-mentioned orders are hereby repealed :—

The order of 1915—

- Section 21 (New capital to be sold by auction or tender);
Section 33 (Supply of water by hosepipe to stables &c.);

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Section 38 (Undertakers not bound to supply several houses by one pipe);

The words "road authority" in section 45 (Differences with road authority or railway or other Company).

The order of 1927—

Section 6 (Amendment of section 21 of Order of 1915);

Section 12 (Charge for water supplied by hosepipe for washing motor cars &c.).

Copy of
confirmation
Act to
be registered.

37.—(1) The Undertakers shall deliver to the Registrar of Companies a printed copy of the Act passed for the confirmation of this order and he shall retain and register the same and if such copy is not so delivered within three months from the passing of that Act the Undertakers shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Undertakers who knowingly and wilfully authorises such default shall incur a like penalty. Every penalty under this section shall be recoverable summarily.

(2) There shall be paid to the Registrar by the Undertakers on such copy being registered the like fee as is for the time being payable under the Companies Act 1929 on registration of any document other than a memorandum of association or the abstract required to be delivered to the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding up in England.

Costs of
order.

38. All costs charges and expenses of and incidental to the application for 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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