



CHAPTER xciii.

An Act to authorise the Cambridge University and Town Waterworks Company to construct additional Waterworks and to raise further money and for other purposes. A.D. 1886.
[25th June 1886.]

WHEREAS by the Cambridge University and Town Waterworks Act 1853 (in this Act called "the Act of 1853") the Cambridge University and Town Waterworks Company (in this Act called "the Company") were incorporated for the purpose of supplying water to the University and borough of Cambridge the parish of Cherryhinton and other parishes townships and places in the county of Cambridge which limits of supply were extended to other parishes by the Cambridge University and Town Waterworks Act 1866 (in this Act called "the Act of 1866"):

And whereas the following Acts relating to the Company have been passed—

The Act of 1853;

The Cambridge University and Town Waterworks (Capital) Act 1855;

The Act of 1866;

The Cambridge University and Town Waterworks Act 1871;

which Acts are in this Act collectively referred to as "the recited Acts":

And whereas under the recited Acts the Company's authorised share capital amounts to eighty-two thousand five hundred pounds and their authorised loan capital amounts to twenty thousand pounds making a total of one hundred and two thousand five hundred pounds whereof twenty-five thousand pounds or thereabouts is unexpended and available for the purposes of the works by this Act authorised and for the laying down of additional mains and the general purposes of the Company's undertaking:

And whereas the population in the Company's district of supply has been for some time past and still is rapidly increasing and the

A.D. 1886. Company's existing sources of supply are insufficient to enable them to meet the demands of their said district for the supply of water And it is expedient that the Company be empowered to obtain a further supply of water and for that purpose to construct the works by this Act authorised :

And whereas it is expedient that the Company be authorised to raise further capital for the purposes of this Act and the general purposes of their undertaking :

And whereas plans and sections describing the lines situation and levels of the works by this Act authorised and the lands which may be taken for the purposes thereof and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Cambridge and are in this Act respectively referred to as the deposited plans sections and books of reference :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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 :—

Short title.

1. This Act may be cited as the Cambridge University and Town Waterworks Act 1886.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act (namely):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

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

The consolidation of the shares into stock ;

A.D. 1886.

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 ;

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883 ;

The Waterworks Clauses Acts 1847 and 1863 ; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof Provided that the provisions of the last-mentioned Act as incorporated in this Act shall apply only to the reservoir by this Act authorised and that in construing such provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the said reservoir and the boundaries thereof.

3. Terms to which meanings are assigned by Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act the same respective meanings and in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute. Interpreta-
tion.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the waterworks hereinafter described with all other necessary works and conveniences connected therewith for collecting pumping filtering storing and distributing water and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. Power to
make water-
works and
to take
lands &c.

The works herein-before referred to and authorised by this Act are—

(a.) A well and pumping station wholly in the parish of Fulbourn in the county of Cambridge to be situate in the field adjoining and on the northern side of the public road (herein-after referred

A.D. 1886.

to as "the Fulbourn Road") leading from Cambridge to Fulbourn and adjoining and on the eastern side of the public road (herein-after referred to as "the Teversham Road") leading from the Fulbourn Road to Teversham ;

- (b.) An aqueduct conduit or line of pipes (No. 1) commencing in the stream or drain known as the Tenth Public Drain set out under and referred to in the award deposited at the office at Cambridge of the clerk of the peace for the county of Cambridge and made in pursuance of the Fulbourn Inclosure Act (46 Geo. III. cap. 56) at or near the junction therewith of the Eleventh Public Drain herein-after mentioned and terminating in the well (a) by this Act authorised ;
- (c.) An aqueduct conduit or line of pipes (No. 1A) commencing in the stream or drain known as the Eleventh Public Drain (set out under and referred to in the award deposited and made as set forth above in sub-paragraph (b) and which stream or drain joins the Tenth Public Drain aforesaid at or about the distance of 90 yards north of the Fulbourn Road aforesaid) at a point in the said Eleventh Public Drain about two hundred and thirty yards measured along the last-mentioned drain from its junction with the Tenth Public Drain aforesaid and terminating in the well (a) by this Act authorised ;
- (d.) An aqueduct conduit or line of pipes (No. 2) commencing in and out of the well and pumping station (a) by this Act authorised and terminating in the Company's existing reservoir in the parish of Cherryhinton in the county of Cambridge ;
- (e.) A reservoir wholly in the parish of Cherryhinton aforesaid adjoining and on the west side of the Company's existing reservoir in that parish ;
- (f.) An aqueduct conduit or line of pipes (No. 3) commencing by a junction with the aqueduct conduit or line of pipes (No. 2) by this Act authorised at or near the point at which the said road leading from Cherryhinton to Shelford joins the Fulbourn Road at or near Springhead and terminating in Hills Road in the borough of Cambridge in the county of Cambridge opposite or nearly opposite the east end of Avenue Road ;
- (g.) An aqueduct conduit or line of pipes (No. 4) commencing at and in the Company's pumping station in the parish of Cherryhinton on the south side of the Fulbourn Road and terminating in the Company's existing reservoir in the parish of Cherryhinton ;

Together with all necessary and convenient approaches roads and ways embankments tunnels adits tanks filtering beds weirs dams

sluices filters gauges outfalls culverts cuts channels conduits drains
mains pipes pillars pumps engines machinery and other works and
conveniences for obtaining collecting filtering storing and distributing
the waters by this Act authorised to be taken or used and may
collect impound take use divert and appropriate for the purposes of
their undertaking the waters of the streams or drains aforesaid
known as the Tenth Public Drain and the Eleventh Public Drain
and of all such streams and all such waters as will or may be
intercepted by the works by this Act authorised or as may be found
in upon or under any lands for the time being belonging to the
Company or which they may acquire under this Act.

A.D. 1886.

5. Whereas the aqueduct conduit or line of pipes No. 3 by this
Act authorised is shown on the deposited plans as intended to be
carried under the railways of the Great Eastern Railway Company
(herein-after called "the railway company") and it is expedient
that provisions should be made for the protection of the railway
company in the construction of the works by this Act authorised
Be it enacted as follows :—

For pro-
tection of
Great
Eastern
Railway
Company.

1. All works for constructing the said aqueduct conduit or line
of pipes No. 3 where it is intended to cross under the railways
of the railway company or under any works or lands
belonging to them shall be executed and maintained under
the direction and to the reasonable satisfaction of the
engineer for the time being of the railway company and in
accordance with plans sections and specifications to be
reasonably approved by the engineer of the railway com-
pany Provided that if such engineer fails to approve or
disapprove the same within fourteen days after the delivery
thereof to him he shall be deemed to have approved thereof.
2. The Company shall before commencing any of the said works
give fourteen days notice in writing to the railway company
of their intention to commence the construction of the same
and they shall not in making and maintaining the said works
in any manner obstruct hinder or interfere with the free
uninterrupted and safe user of the railways of the railway
company or the traffic thereon and the Company shall pro-
ceed with the construction of the said works at such times
only as the engineer of the railway company shall
reasonably direct and the said works shall subject to the
provisions of this sub-section be constructed with all possible
expedition by the Company.
3. The Company shall at all times at their own expense maintain
the said works so far as the same affect the railways works

A.D. 1886.

and lands of the railway company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the railway company.

4. If by reason of the execution of the works the railways belonging to the railway company or any of the works and conveniences connected therewith shall be injured or damaged such injury or damage shall forthwith be made good by the Company at their own expense or in the event of their failing so to do the railway company may make good the same and recover the cost thereof from the Company with full costs of action in any court of competent jurisdiction.
5. During the construction of the said works under or affecting the railways works and lands of the railway company the Company shall bear and on demand pay to the railway company the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them for watching their railways with reference to and during the execution of the said works and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Company or from the acts or defaults of the contractors or of any person or persons in their employ or otherwise and all costs and expenses which the railway company may reasonably incur in reference to the examination of the plans sections and specifications and the execution of the works shall be paid by the Company to the railway company or may be recovered by them from the Company with full costs of action in any court of competent jurisdiction.
6. Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the railway company all costs losses damages and expenses occasioned to them or to which they may become liable or which may be recovered against them by reason of the execution or failure of the said works or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the railway company from all claims and demands upon them by reason of such execution or failure and of any such act or omission.
7. Any difference between the Company and the railway company touching any of the matters referred to in this section shall be determined unless otherwise agreed by an arbitrator

to be appointed on the application of either party by the President of the Institution of Civil Engineers The decision of such arbitrator shall be final and conclusive and the cost of such arbitration shall be in his discretion.

A.D. 1886.

6.—(a.) The Company before commencing to make use of the well by this Act authorised for the purpose of supplying water therefrom to their consumers or to take water for the purpose of such supply from any level lower than the bed of the Tenth and Eleventh Public Drains referred to in the deposited plans shall lay down and maintain in the roads in the parish of Fulbourn in such position and direction as the surveyors of highways for the said parish for the time being shall require a main pipe not exceeding in the whole two miles in length and of not less than three inches internal diameter and shall at such [points as shall be selected by the said surveyors of highways erect and connect with the said main eight standposts of a height above ground to the jet or spout of not less than three feet each for the supply of water for domestic use and one standpost of the height to the jet or spout of not less than seven feet to be used for filling water carts such last mentioned standpost to be erected at or near the Pours Well or pond hereinafter mentioned.

For the protection of the inhabitants of the parish of Fulbourn.

(b.) From and after the completion of the said main and standposts the Company shall for ever keep the same continually charged with a supply of pure water for the use of the inhabitants of the said parish of Fulbourn which supply shall be furnished at the sole expense in all respects of the Company and free of all cost and rates to or upon the inhabitants of the said parish so long as the consumption does not exceed twenty thousand gallons in any one day and such main shall not unless otherwise determined by the Company be used for the supply of water otherwise than by means of the said standposts as aforesaid.

(c.) The Company shall also before commencing to make use of the said well and pumping station construct and for ever after maintain in the south-eastern corner of the field numbered 1 in the parish of Fulbourn on the deposited plans a pool or pond twenty yards by ten yards in area of a maximum depth of three feet and shall at the expense of the Company keep the said pool or pond continually furnished with a supply of water to be regulated and controlled by the said surveyors but not to exceed five thousand gallons in any one day.

(d.) The said pool or pond shall be of a character and at a level and shall be constructed of materials and in accordance with plans and specifications to be previously approved by the surveyors of

A.D. 1886. highways for the said parish for the time being and shall be completed under the supervision and to the satisfaction in all respects of the said surveyors. The said plans and specifications shall include a suitable and sufficient arrangement for the admission of water into the said pool or pond for its discharge therefrom and if so desired by the surveyors for the maintenance through the same of a continuous current while convenient means of access for vehicles horses and cattle from the road numbered five on the deposited plans shall also be provided.

(e.) If the said surveyors shall not for twenty-eight clear days after notice in writing to any one of them on that behalf give their directions as herein-before provided as to the position and direction of such main and erection of such standposts the Company may notwithstanding anything in this section proceed to make use of the well by this Act authorised but the obligation of the Company with regard to the said main and standposts and the said pond or pool shall not be otherwise diminished or affected.

(f.) If any dispute or difference shall arise as to the provisions of this section such difference or dispute shall be referred to an arbitrator to be agreed upon between the surveyors of highways for the said parish for the time being and the Company or in the event of difference such arbitrator to be appointed by the Board of Trade. The decision of the arbitrator shall be final and binding upon the parties and the costs of the arbitration shall be in the discretion of the arbitrator.

Saving
rights of
Corpus
Christi
College.

7. Nothing in this Act contained shall prejudice or affect the right (if any) of the Master or Keeper and Fellows of the College of Corpus Christi in the University of Cambridge as the owners of Hawke Mill in the parish of Little Wilbraham to compensation under the provisions of the Waterworks Clauses Act 1847 in respect of any damage which may be sustained by them through the exercise of the powers by this Act conferred upon the Company of diverting and impounding the waters of the aforesaid public drains or either of them.

Limits of
deviation.

8. In the construction of the works authorised by this Act and subject to the provisions thereof the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir by this Act authorised three feet upwards and five feet downwards and in the case of all other works to any extent not

exceeding ten feet Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition. A.D. 1886.

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

10. If the works authorised by this Act be not completed within six years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing in this section shall restrict the Company from extending their works mains and pipes from time to time whenever it shall be necessary for the purpose of increasing or distributing the supply of water within their existing limits of supply. Period for completion of works.

11. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements &c. by agreement.

12. The Company may hold a certain piece of land recently purchased by or held in trust for them known as Springfield and the buildings thereon abutting towards the south upon the Fulbourn Road aforesaid towards the east on the Company's land and property at Springfield towards the west on the Cherryhinton Hall Estate of the Company and towards the north upon the Cherryhinton Brook and herein-after called the Springfield Estate but no buildings shall be erected on such land except buildings required for the purposes of the waterworks undertaking of the Company so long as the said land is so held by the Company. Power to Company to hold land known as Springfield.

13. Subject to the provisions of this Act the Company may from time to time let or demise the Springfield Estate or any part thereof for any term they think fit not exceeding fourteen years and subject to such covenants reservations and conditions as they think fit for the protection of the waterworks of the Company or otherwise Power to lease same.

A.D. 1886. — Provided that this Act shall not be deemed to enable the Company to demise or dispose of any other or greater estate or interest in the said estate than the vendor thereof to the Company could lawfully convey.

Appropriation of water from Springfield Estate.

14. The Company may appropriate for the purposes of their undertaking any water which they may obtain by draining the Springfield Estate.

Purchase of land by agreement.

15. In addition to any other lands which the Company are under the recited Acts and this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole five acres in extent or any term interest or easement (not being an easement of water) in any such lands Provided that no buildings shall be erected on such lands except such as are required for the purposes of the Company's waterworks.

Sale of superfluous lands.

16. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose in such manner and to such persons as the Company think fit of any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease and in any lease of the Springfield Estate or any part thereof the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease subject to such reservation and may also make the sale or lease subject to reservations conditions restrictions or provisions with respect to use of water exercise of noxious trades discharge or deposit of sewage or manure and other like matters as the Company think fit.

Restriction on displacing persons of the labouring class.

17. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members

of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them. A.D. 1886.

18. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or are authorised to raise under the recited Acts and not thereby made applicable for any particular purpose or if so made applicable not required for that purpose. Application of funds.

19. The Company from time to time may (subject to the provisions of Part II of the Companies Clauses Act 1863) raise for the purposes of this Act and for the general purposes of their undertaking any additional sum or sums of money not exceeding in the whole forty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof. Power for Company to raise further capital.

20. Subject to the provisions of this Act any capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company. Incidents of shares or stock.

21. The Company shall not out of the profits of their undertaking in any one year make any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which may have fallen short of the said sum of seven pounds per centum per annum. Limit of dividends on new shares and stock.

22. In case in any year the net revenues of the Company applicable to dividend on ordinary capital shall be insufficient to pay the full amount of the prescribed rate of dividend on each class of Dividends on different classes of ordinary

A.D. 1886.

capital to be
paid propor-
tionately.Dividends
on new
shares or
stock.Restriction
as to votes
in respect
of preferen-
tial shares
or stock.Receipt
clause in
case of
persons not
sui juris.
Power to
borrow.

ordinary stock or shares in the capital of the Company a proportionate deduction shall be made in the dividend of each class of such capital.

23. Subject to the provisions of this Act every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such shares or to the whole amount of such stock as the case may be.

24. No person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned (except as otherwise expressly provided by the resolution creating the same).

25. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

26. The Company may in respect of the additional capital of forty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding one fourth part of the amount of such capital as is for the time being created and issued but no part of the said sum shall be borrowed until shares for so much of the portion of capital in respect of which the said borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of so much of such portion of capital as is to be raised by means of shares have been issued and accepted and one half thereof has been paid up and that not less than one fifth of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock (as the case may be) were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if any part of the said capital is raised by shares that such persons or corporations or their executors administrators

successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

A.D. 1886.

27. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital any money borrowed under the provisions of this Act unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

28. Section 9 (for appointment of a receiver) of the Act of 1866 is hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending.

Repeal of section 9 of Act of 1866.

29. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than five thousand pounds.

For appointment of a receiver.

30. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein or in the recited Acts contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the recited Acts or any of them and this and any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

31. All mortgages granted by the Company in pursuance of the powers of the recited Acts before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act.

Existing mortgages to have priority.

32. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority

As to priority of

A.D. 1886.

mortgages
and debenture
stock.

against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividend on their mortgages or debenture stock.

Application
of moneys
raised under
this Act.

33. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only for the purposes of this Act and the general purposes of the undertaking being in all cases purposes to which capital is properly applicable.

Regulations
for pre-
venting
waste of
water.

34. The Company may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and amongst other things may by such regulations prescribe the size make nature materials workmanship and strength of the pipes meters cocks ferrules valves soil pans waterclosets baths cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or permit or tend to such waste or undue consumption or misuse or contamination.

Confirma-
tion of
regulations.

35. No such regulations shall be of any force or effect except within the district which the Company is bound to supply and does in fact supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same And no such regulations shall be confirmed until after the expiration of thirty days after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to every sanitary authority within the limits of supply and any such authority may within the said period of thirty days make such representation with reference thereto to the Local Government Board as such authority shall think expedient.

Regulations
subject to
provisions

36. All such regulations shall be subject to the provisions contained in sections 182 to 184 both inclusive of the Public Health

Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the regulations were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

A.D. 1886.
—
of the
Public
Health Act
1875.

37. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company. All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Publication
of regula-
tions.

38. A printed copy of any such regulations dated and purporting to have been made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

Evidence of
regulations.

39. In case of failure of any person to observe such regulations as are for the time being in force the Company may if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule cistern bath soil pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them summarily.

For en-
forcing
regulations.

40. From and after the making confirmation and publication of any regulations under this Act all regulations theretofore made by the Company for the like purposes shall cease to be in force or have effect but the Company may nevertheless enforce and recover any penalties for or in respect of antecedent breaches of any such last-mentioned regulations as if this Act had not passed.

Former
regulations
to cease to
be in force.

41. In the event of any dispute between the Company and any customer or intending customer as to the fact or extent of any alleged non-compliance with any such regulations, such dispute shall be referred to the determination of two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and by whom such costs are to be paid shall be final and conclusive.

Disputes as
to infringe-
ment of
regulations
to be settled
by two
justices.

A.D. 1886.

Power to
sell or let
meters.

42. The Company may from time to time sell and dispose of meters and any fittings thereto upon and subject to such terms (pecuniary or otherwise) and conditions as the Company think fit and may let for hire any meter for ascertaining the quantity of water consumed or supplied and any fittings thereto for such remuneration in money and on such terms and conditions with respect to the repair maintenance and protection of such meter and fittings and for securing access to and the safety and return to the Company of such meter and fittings as the Company may prescribe or as may be from time to time agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as water rents rates or charges due to the Company.

Meters not
to be con-
nected or
disconnected
without
notice to
Company.

43. No person shall connect any meter with any pipe through which any water is supplied by the Company to such meter or disconnect any meter from any such pipe unless he shall have given to the Company not less than forty-eight hours notice in writing of his intention so to do and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and be performed under the superintendence of an officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Fraudulently
injuring
meters, &c.

44. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also enter upon the premises occupied by the offender and repair such injury or do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied to such person and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *prima facie* evidence that the same has been fraudulently caused by the customer using such pipe meter or fitting.

Repair of
meters.

45. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any

water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer. A.D. 1886.

46. The register of the meter shall be *primâ facie* evidence of the quantity of water consumed in respect of which any water rent is charged and sought to be recovered by the Company Provided always that if the Company and the consumer differ as to the quantity consumed such difference may be determined upon the application of either party by two justices who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties. Register of meter to be *primâ facie* evidence.

47. The Company after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal and every notice required by this section shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or business in England or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry then by being affixed on some conspicuous part of such building or lands. Power to remove meters and fittings.

48. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil pans and waterclosets apparatus receptacles fittings and appliances as are required or permitted by their regulations in connexion with such supply and Power for Company to supply materials &c.

A.D. 1886.

may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Entry on premises to cut off supply in certain cases.

49. In the cases in which the Company are authorised to cut off the pipe or turn off water from any premises the Company their agent or workmen (after giving notice to the owner or occupier in manner herein-after provided for the giving of notices by the Company) may enter into such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water shall be supplied to such premises.

Supply of water in bulk.

50. Subject to the provisions of this Act the Company may from time to time enter into and carry into effect such contracts and arrangements with any urban or rural sanitary authority or other local authority and the trustees of any turnpike or other road or any highway board or any surveyor of any highway and any railway company and any other companies bodies or persons with respect to the supply of water in bulk without as well as within the Company's limits of supply as the Company think fit and every such contract and arrangement may be for such period on such terms pecuniary or otherwise and conditions as the Company think fit and the Company may by agreement vary suspend or rescind any such contracts or arrangements and make others in lieu thereof and in addition thereto Provided always that the Company shall not supply water in bulk to any corporation body or person beyond the Company's limits of supply nor to any person within those limits for other than domestic purposes if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the Company's limits of supply.

Domestic supply not to be interfered with.

Costs of Act.

51. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.