

[51 & 52 VICT.] *Gas and Water Orders Confirmation* [Ch. cxxvii.]  
Act, 1888.



CHAPTER cxxvii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Goring and Streatley District Gas and Water, Sheringham Gas and Water, and Winchester Water and Gas. [24th July 1888.]

A.D. 1888.

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed:

33 & 34 Vict.  
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore 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:

1. This Act may be cited as the Gas and Water Orders Confirmation Act, 1888.

Short title.

2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect.

Confirmation  
of Orders in  
schedule.

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Special provisions as to houses of labouring class.

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders, 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, artizans, 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.

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SCHEDULE OF ORDERS.

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GORING AND STREATLEY DISTRICT GAS AND WATER.—Order empowering the Goring and Streatley District Gas and Water Company, Limited, to construct and maintain gasworks and waterworks, and to make and supply gas, and to supply water within the parishes of Goring, in the county of Oxford, and Streatley, in the county of Berks.

SHERINGHAM GAS AND WATER.—Order empowering the Sheringham Gas and Water Company, Limited, to construct and maintain gasworks and waterworks, and to make and supply gas and to supply water within the parishes of Sheringham and Beeston Regis, in the county of Norfolk.

WINCHESTER WATER AND GAS.—Order empowering the Winchester Water and Gas Company to raise additional capital.

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GORING AND STREATLEY DISTRICT GAS AND  
WATER.

A.D. 1888.

*Goring and  
Streatley.*

*Order empowering the Goring and Streatley District Gas and Water Company, Limited, to construct and maintain Gasworks and Waterworks, and to make and supply gas and to supply water within the parishes of Goring, in the County of Oxford, and Streatley, in the County of Berks.*

1. This Order shall consist of four parts:—

Order to  
consist of four  
parts.

Part I.—Preliminary, relating both to the Gas Undertaking and to the Water Undertaking:

Part II.—Relating to the Gas Undertaking:

Part III.—Relating to the Water Undertaking:

Part IV.—General provisions, relating both to the Gas Undertaking and to the Water Undertaking.

PART I.—PRELIMINARY, RELATING BOTH TO THE GAS UNDERTAKING AND  
TO THE WATER UNDERTAKING.

2. This Order may be cited as “The Goring and Streatley District Gas and Water Order, 1888.”

Short title.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as “the commencement of this Order.”

Commence-  
ment of  
order.

4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Incorporation  
of Lands  
Clauses Acts.

5. The several words, terms, and expressions, to which by any Act in whole or in part incorporated with this Order, or with any part of this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order, or in such part of this Order, the same respective meanings.

Interpretation.

In this Order:—

The expressions “deposited map,” “deposited plans,” and “deposited sections,” used in relation to the Gas Undertaking or the Water Undertaking by this Order authorised, shall mean respectively the map, plans and sections relating to such Undertakings deposited for the purposes of this Order.

6. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as “the limits of supply”) shall be the parishes of Goring, in the county of Oxford, and Streatley, in the county of Berks.

Limits of  
order.



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*Goring and  
Streatley.*

Undertakers.

7. The Goring and Streatley District Gas and Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

PART II.—RELATING TO THE GAS UNDERTAKING.

Incorporation  
of Gasworks  
Clauses Acts.

8. The provisions of the Gasworks Clauses Act, 1847 (except sections thirty to thirty-four, both inclusive), and of the Gasworks Clauses Act, 1871, are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order. Provided that for the purposes of such incorporation, section thirty-five of the said Gasworks Clauses Act, 1847, shall be read and construed as though the words from "in case the whole," down to "have been paid," all inclusive, had been omitted therefrom, and as though the expression "the prescribed rate" included the prescribed rates of dividend as defined by this Order, together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

*Capital.*

Gas capital.

9. The share capital of the Undertakers shall not, for the purposes of the undertaking authorised by this part of this Order (in this part of this Order referred to as "gas capital") exceed eight thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limits of  
dividend on  
gas capital.

10. Except as by this Order expressly provided, the Undertakers shall not in any year make out of their profits in respect of the Gas Undertaking, authorised by this part of this Order, any larger dividends on their said gas capital than the standard rates of dividends herein-after mentioned; namely, ten pounds in respect of every one hundred pounds actually paid up of such capital as may 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, and such dividends, or such dividends as reduced or increased in accordance with the provisions of this part of this Order are in this part of this Order referred to as "the prescribed rates."

Limit of  
borrowing  
powers in  
respect of Gas  
Undertaking.

11. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the Gas Undertaking authorised by this part of this Order, shall not at any time exceed in the whole two thousand pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers, without the consent of the Board of Trade, in respect of any moneys borrowed by the Undertakers after the commencement of this Order, and secured as aforesaid.

If profits  
exceed the  
amount limited  
excess may be  
invested and  
form an in-  
surance fund.

12. If the clear profits of the undertaking authorised by this part of this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may, from time to time, to the extent of one per centum per annum upon the paid-up gas capital of the Undertakers, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up gas capital of the Undertakers, which fund shall form an insurance fund to meet



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any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers in relation to such undertaking from accident, strike, or other circumstance, which in the opinion of a Justice due care and management could not have prevented; and if such fund be at any time reduced it may thereafter be again made up to the same sum, and so from time to time as often as such reduction happens. Provided that when and so often as the said fund reaches one-twentieth part of such paid-up capital, the interest thereon shall be carried to the credit of the fund available for dividend. Provided, also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim, demand, or charge as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of such paid-up capital as aforesaid.

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Streatley.*

13. If the clear profits of the undertaking authorised by this part of this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Application  
of excess of  
profits over  
prescribed  
rates.

14. Where in any year the standard rates of dividend in respect of the undertaking authorised by this part of this Order are by reason of a diminution of the standard price of gas charged by the Undertakers in such year increased, then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase, the Undertakers may in such year set apart such sum as they think fit, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of the Undertakers existing at the commencement of this Order in relation to such undertaking, may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities, in order that the same may accumulate at compound interest, and the fund so formed shall be called the "Gas Reserve Fund," and shall be applicable to the payment of dividends in respect of such undertaking in any year in which the clear profits of the Undertakers are in respect of such undertaking insufficient to enable the Undertakers in such year to pay the prescribed rates, and save, as in this Order otherwise provided, no sum shall in any year be in relation to such undertaking carried by the Undertakers to any reserve fund.

Power to  
create a reserve  
fund and  
application  
thereof.

*Acquisition of Land for Gas Purposes.*

15. The Undertakers may for the purposes of the Gas Undertaking authorised by this part of this Order (by agreement, but not otherwise) purchase or take on lease and hold such of the lands shown on the deposited map, and described in the Schedule A to this Order annexed, as they may require for the purposes of the said undertaking.

Power to  
acquire lands.

16. The Undertakers may for the purposes of the Gas Undertaking authorised by this part of this Order (by agreement, but not otherwise) purchase or take on lease and hold in addition to the lands shown on the deposited map, and described in the schedule A to this Order annexed, any lands and hereditaments, not exceeding in the whole three acres, which the Undertakers may from time to time require for the purposes of such undertaking, but no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products

Additional  
land.



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A.D. 1888. or of storing gas, except the lands described in the schedule A to this Order  
*Goring and* annexed.  
*Streatley.*

*Construction and Maintenance of Gasworks, Manufacture and Sale of Gas,  
Coke, and Residual Products.*

Construction  
and main-  
tenance of  
gasworks and  
sale of gas and  
residual  
products.

17. The Undertakers, on the lands shown on the deposited map and described in the schedule A to this Order annexed, when they have acquired, and while they are possessed of the same, may construct and maintain, and from time to time alter, enlarge, extend, renew and discontinue retorts, gasholders, receivers, purifiers, meters, apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom, and they may, subject to the provisions of this part of this Order, make and store gas, and supply and sell the same within the limits of supply, and may manufacture and store coke, coal tar, pitch, asphaltum, ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may convert, utilise, sell and dispose of the same at the gasworks and elsewhere, and they may also, subject to the provisions of this Order, construct and maintain, and from time to time alter, extend, enlarge, and renew or discontinue houses, offices, buildings and other works connected with the undertaking.

Power in  
relation to  
gas meters, &c.

18. The Undertakers may manufacture, purchase, or hire and supply gas meters, fittings, gas stoves, and cooking and other apparatus, and may also manufacture, purchase, hire, sell, let or deal in and contract for doing work in connexion with fittings, tubes, meters, pipes, apparatus, stoves, ranges, and apparatus for heating, for domestic, agricultural, manufacturing, and other purposes by means of gas, and all articles and things in any way connected with gasworks or with the supply of gas, and may take charges and remuneration in respect thereof.

Power to take  
licenses for  
patents.

19. The Undertakers may, subject to the provisions of this part of this Order (but only for the purposes of the gas undertaking within the limits of supply, and not so as to acquire any exclusive right therein), contract for, take and use any leave, license or authority to work, use, exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working, using or vending any invention in relation to the manufacture or distribution of gas, or the conversion, manufacture or utilisation of any products obtainable in or arising from such manufacture, or from materials used therein.

*Quality of Gas.*

Quality of gas.

20. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fifteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

*Price of Gas*

Fixing maxi-  
mum price of  
gas with  
sliding scale as  
to dividend.

21. The standard price to be charged by the Undertakers for gas supplied by them shall be five shillings per thousand cubic feet: provided that the Undertakers may increase or reduce the price charged by them for gas above or below



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the standard price, subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

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In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price, the dividend payable by the Undertakers shall, in respect of each penny by which the standard price shall have been increased, be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds;

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price, the dividend payable by the Undertakers may, in respect of each penny by which the standard price shall have been reduced, be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

*Pressure of Gas.*

22. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height, at the main, as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure of  
gas.

*Testing of Gas.*

23. The Undertakers shall, within six months after the commencement of this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing gas shall be a Sugg's London Argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this part of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage or place, not being the immediate approach to any railway or canal bridge or railway station, vested in or under the control of any local or road authority.

Testing gas.

*Miscellaneous.*

24. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect or excess was produced by unavoidable cause or accident.

No penalty  
in case of  
unavoidable  
cause.

25. The Undertakers shall keep separate annual accounts in respect of their Gas Undertaking authorised by this part of this Order, showing the amount of their paid-up capital in relation to such Undertaking, and such accounts shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Separate  
accounts to be  
kept in respect  
of gas  
undertaking.



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A.D. 1888. 26. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

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*Goring and Streatley.*  
Undertakers to pay interest on deposit.

PART III.—RELATING TO THE WATER UNDERTAKING.

Incorporation of Waterworks Clauses Acts. 27. The provisions of the Waterworks Clauses Acts, 1847 and 1863, are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order.

Interpretation. 28. The expression “superior court” or “court of competent jurisdiction” in any Act wholly or partially incorporated with this part of this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute.

*Capital.*

Capital. 29. The share capital of the Undertakers shall not, for the purposes of their Water Undertaking authorised by this part of this Order, exceed eight thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of borrowing powers. 30. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of their Water Undertaking authorised by this part of this Order, shall not at any time exceed in the whole two thousand pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order, and secured as aforesaid.

*Acquisition of Lands for Water Purposes.*

Power to acquire lands. 31. The Undertakers may, by agreement, purchase, take on lease, acquire and use such of the lands shown on the deposited plans, and described in the schedules A and B to this Order annexed, as they may require for the purposes of the Water Undertaking authorised by this part of this Order, and they may, by agreement, from time to time purchase or take on lease and use any other lands, and any easements, rights or privileges in, over, or affecting any lands which they may require for such purposes. Provided that they shall not at any time hold for such purposes more than three acres of land in the whole.

Persons under disability may grant easements, &c., to Undertakers. 32. Persons empowered by the Lands Clauses Acts to sell and convey or release lands, may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right or privilege, not being an easement of water, 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 or to such easements, rights or privileges as aforesaid.



*Construction of Waterworks.*

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—  
*Goring and  
Streatley.*

Power to  
construct  
waterworks  
and to supply  
water.

33. Subject to the provisions of this Order the Undertakers may, on the lands shown on the deposited plans, when they have acquired and while they are possessed of the same, make and maintain, in the lines and according to the levels shown on the deposited plans and deposited sections, the works hereinafter described, with all necessary approaches, embankments, roads, filtering beds, wells, dams, sluices, culverts, mains, pipes, engines and all works and conveniences connected therewith, and they may, subject to the provisions of this part of this Order, supply and sell water within the limits of supply.

The works authorised by this part of this Order are as follows :—

- (1.) A well and pumping station with pumping engines, engine and boiler houses, tanks and other works, buildings and conveniences, to be situate in and upon the lands shown on the deposited plans and described in schedule A annexed to this Order ;
- (2.) A service reservoir to be situate in and upon a field, known as the "Leg of Mutton Field," in the parish of Goring, and county of Oxford, and numbered 124 on the 25-inch ordnance map of the said parish of Goring, belonging or reputed to belong to C. L. W. Gardiner, and now in the occupation of Thomas Akers ;
- (3.) A conduit or line of pipes commencing at the said well and pumping station firstly before described, thence passing on, to, along and under the road, known as the "Ickniel Way," in a north-easterly direction to the junction of the said Ickniel Way with an occupation road about to be made and leading from the said Ickniel Way to the said Leg of Mutton Field secondly before described, thence along and under the said occupation road to the said service reservoir secondly before described, all in the said parish of Goring, and county aforesaid ;
- (4.) A conduit or line of pipes, No. 2, commencing at the service reservoir secondly before described, thence passing on, to, along, and under the said occupation road and Ickniel Way to the junction of the said Ickniel Way with a road leading from Stone Hall to Cleeve, thence along and under the said road leading to Cleeve to the junction of the said road with a road leading from North Stoke to Goring, thence along and under the said road leading to Goring to the junction of the said road with a road leading to Goring, thence over a certain bridge crossing the Great Western Railway and along and under the said road through Goring to the Streatley and Goring bridge crossing the river Thames, thence along and over the said bridge, all in the parish of Goring, in the county of Oxford, thence along and under a road leading to Westridge Green to the junction of the said road with a road leading from Reading to Wallingford, thence along and under the said road in a northerly direction, and terminating at the point where the boundary between the parishes of Moulsoford and Streatley crosses the said road, all in the parish of Streatley, in the county of Berks ;
- (5.) A conduit or line of pipes, No. 3, commencing at a point in line No. 2 opposite the junction of the road leading from Streatley to Westridge Green with the road leading from Wallingford to Reading, thence in a south and south-easterly direction along and under the said road leading to Reading, and terminating at the point where the boundary between the

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Limits of  
deviation.

parishes of Streatley and Basildon crosses the said road, all in the said parish of Streatley, in the county of Berks.

34. In constructing the works authorised by this part of this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, but in no case beyond the width of any road shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Period for  
completion of  
works.

35. The works authorised by this part of this Order shall be commenced, constructed and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Waterworks Facilities Act, 1870. Provided, that subject to the restrictions and provisions of this part of this Order the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, and other works in such way and manner as may be requisite or advisable for supplying water, subject to the provisions of this Order within the limits of supply.

*Supply.*

Limits of  
pressure.

36. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir authorised by this Order.

Rates for  
supply  
for domestic  
purposes.

37. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one water closet), furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified, that is to say :—

Where the rateable value of the premises so supplied with water does not exceed five pounds, the sum of eight shillings and eightpence ;

Where such rateable value exceeds five pounds and does not exceed ten pounds, at a rate per centum not exceeding eight pounds ;

Where such rateable value exceeds ten pounds and does not exceed twenty pounds, at a rate per centum not exceeding seven pounds ten shillings ;

Where such rateable value exceeds twenty pounds and does not exceed forty pounds, at a rate per centum not exceeding seven pounds ;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds, at a rate per centum not exceeding six pounds ten shillings ;

Where such rateable value exceeds sixty pounds, at a rate per centum not exceeding six pounds :

And so in proportion for any shorter period in each case ; provided that in the case of any inn or hotel (public or private) so supplied with water, the rateable value of which exceeds fifteen pounds, the Undertakers shall be entitled to demand and take in respect of such supply at a rate not exceeding the rate of seven pounds ten shillings per centum per annum upon such rateable value, and so in proportion for any shorter period. Provided, also, that the Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than eight shillings and eightpence in any one year, nor for a less period than twelve months, and that the Undertakers shall not be entitled in any case to



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demand a higher water rate for any house or part of a house included in any division of the above scale of rates than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale.

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The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues.

38. The Undertakers may charge for and in respect of every water closet beyond the first in any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every bath an additional sum not exceeding ten shillings per annum. Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of ten shillings, increased in proportion to the size of such bath, but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water; and such additional sums are to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Rates for  
 water closets,  
 &c.

39. Subject to the provisions of this part of this Order, the Undertakers may, from time to time, make and enforce such reasonable regulations as they may find expedient, and as may be approved by the Local Government Board, for preventing the waste, misuse, or contamination of water and, among other things, may prescribe the size, nature, and strength of the pipes, cocks, cisterns and other apparatus proper and suitable for the purposes of supply. Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford, and do in fact afford, or are prepared on demand to afford a constant supply.

Power for  
 Undertakers  
 to make  
 regulations for  
 preventing  
 waste, misuse,  
 or contamina-  
 tion of water.

40. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers, which copy shall be open to the inspection of all persons at all reasonable times without payment, and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same, on payment of a sum not exceeding sixpence for each copy.

Publication of  
 regulations.

41. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board, shall be primâ facie evidence in all legal proceedings of the due making, confirmation, publication and existence of such regulations without further or other proof.

Evidence of  
 regulations.

42. In case of failure of any person to observe any of such regulations as are for the time being in force, the Undertakers may, if they think fit, after forty-eight hours' notice in writing, enter, and by and under the direction of their duly authorised officer repair, replace or alter any pipe, cock, cistern or other apparatus, fittings or appliances belonging to or used by such person for the purposes of supply and not being in accordance with the requirements of such regulations, and the expense of every such repair, replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied, and may be recovered by them summarily.

Power for  
 Undertakers  
 to repair or  
 alter pipes,  
 &c., where  
 regulations not  
 complied with.

43. The Undertakers shall, when required, supply the road authority within the meaning of section two of the Gas and Waterworks Facilities Act, 1870, and

Undertakers  
 to supply water  
 to road and



[Ch. cxxvii.] *Gas and Water Orders Confirmation* [51 & 52 Vict.]  
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sewer author-  
ities.

every sewer authority within the limits of supply, with water for watering roads and streets, and for flushing sewers and drains, or other public purposes, at a rate not exceeding two shillings and sixpence for every thousand gallons, but no such authority shall be entitled to such a supply whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes.

Power to  
supply water in  
bulk within  
or without  
limits of  
supply.

44. The Undertakers may, from time to time, by agreement, supply any body or person, whether within or without the limits of supply, with water in bulk for other than domestic purposes, upon such terms and conditions, and for such remuneration as may from time to time be agreed upon between the Undertakers and such body or person; but notwithstanding any such agreement, no such body or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this part of this Order; and every such agreement shall be by virtue of this part of this Order determinable by the Undertakers on one month's notice in writing. Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit, or the breaking up of any road or street, or the execution of any work in any district beyond the limits of supply within the meaning of section fifty-two of the Public Health Act 1875, or any similar provision.

Supply of  
water by  
measure.

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

Undertakers  
to keep meters,  
&c., in repair.

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

Register of  
meters, &c., to  
be evidence.

47. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed, and in respect of which any water rate 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 any costs of the proceedings before them shall be paid, and the decision of such court shall be final and binding on all parties.

Amendment of  
10 & 11 Vict.,  
cap. 17, s. 44.

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



[51 & 52 VICT.] *Gas and Water Orders Confirmation* [Ch. cxxvii.]  
*Act, 1888.*

49. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the waterworks of the Undertakers by a distinct pipe. Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

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Streatley.*

When several houses supplied by one pipe, each to pay.

50. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other of such tenements unless the tenant or occupier be in respect of the tenement so occupied by him rated under this part of this Order for a supply of water.

Supply of water to tenements in a row.

*Penalties.*

51. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter or other instrument for measuring water, or any fittings belonging to the Undertakers, or who fraudulently alters the index to any meter or other instrument for measuring water, or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied, or fraudulently abstracts, consumes or uses water of the Undertakers, or commits any breach of any authorised regulations against waste, misuse, or contamination of the water supplied by the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured any pipe, meter, instrument or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or other instrument for measuring water, or prevented the same from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration or prevention, or for abstracting, consuming or using water of the Undertakers when such pipe, meter, instrument or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, consumption or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such pipes, meter, instrument or fittings.

Injuring meters, &c.

52. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be taken or used contrary to the provisions of this part of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Misuser where supply to several houses is by a pipe common to all.



[Ch. cxxvii.] *Gas and Water Orders Confirmation* [51 & 52 VICT.]  
*Act, 1888.*

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*Miscellaneous.*

*Goring and  
Streatley.*

Incoming  
tenant not  
liable to pay  
arrears.

53. In case any person supplied with water by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Separate  
accounts to  
be kept in  
respect of  
water under-  
taking.

54. The Undertakers shall keep separate annual accounts with respect to their Water Undertaking authorised by this part of this Order, showing the amount of their paid-up capital in relation to such undertaking, and such accounts shall in all respects be in accordance with the provisions of the Waterworks Clauses Act, 1847.

Several names  
in one  
summons.

55. Any summons or warrant issued for any of the purposes of this part of this Order may contain in the body thereof or in the schedule thereto several names and several sums.

Warrant of  
distress to  
include costs.

56. Any justice who issues a warrant of distress in pursuance of the provisions of this part of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Liability to  
water rate not  
to disqualify  
justices from  
acting.

57. No justice or judge of any County Court or Quarter Sessions shall be disqualified from acting in the execution of this part of this Order by reason of his being liable to the payment of any water rate or other charge under this part of this Order.

PART IV.—GENERAL PROVISIONS APPLYING TO GAS AND WATER  
UNDERTAKINGS.

For the pro-  
tection of the  
Great Western  
Railway  
Company.

58. For the protection of the Great Western Railway Company (hereinafter referred to as "the Company"), the following provisions shall apply :—

(A) In laying down, altering, improving, enlarging, extending, maintaining or renewing, or in executing or effecting the repairs or renewals of any mains, pipes, culverts or other works in the exercise of the powers contained in this Order upon, across, over, under or adjoining, or in any way affecting the railways, lands and property now or hereafter belonging to or used or occupied by the Company, or the bridges, approaches, viaducts, stations or other works, or any level crossings over the railways of the Company, the same shall be done under the superintendence and to the reasonable satisfaction of an engineer appointed for that purpose by the Company, and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing ;

(B) All such works shall be done by and at the expense of the Undertakers, who shall also restore and make good, to the reasonable satisfaction of the said engineer, the roads over or under any bridge, or over any level crossing of the railway of the Company, or over the approaches to any such bridge or



[51 & 52 VICT.] *Gas and Water Orders Confirmation* [Ch. cxxvii.]  
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- level crossing, so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers ;
- (c) All such works and operations and all matters incidental thereto, shall be constructed, executed, and done so as to cause as little injury as may be to such railways, bridges, level crossings, approaches, viaducts, stations, works, lands, or property, and so as to cause no interruption to the passage or conduct of traffic over such railways, or at, to, or from any station thereon ;
- (d) If any injury or interruption as aforesaid shall arise from, or in any way be owing to any of the acts, works, operations, and matters aforesaid, or the bursting, leakage or failure of any such mains, culverts, pipes or works in, under or near to any railway, bridge, level crossing, embankment, cutting, approach, viaduct, station, land, works or property of the Company, the Undertakers shall make compensation to the Company in respect thereof, the amount of such compensation to be determined by arbitration in the manner hereinafter provided ;
- (e) The Undertakers shall acquire only such an easement across, over or under any of the railways, works, or property of the Company as may be necessary for constructing or maintaining any of the works of the Undertakers, and shall pay to the Company for any such easement to be acquired by them such sum, either annual or otherwise, as may be agreed upon, or, failing agreement, as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the acquisition of lands otherwise than by agreement, and the easement so to be taken shall be deemed to be lands so far as respects the proceedings for the acquisition thereof, and also for the purposes of such arbitration ;
- (f) If the Company at any time or times hereafter require to construct any additional or other works upon their lands or railways, or to alter or repair their railways, bridges, viaducts or works upon, across, over or under which any of the works of the Undertakers may have been constructed or laid, the Company may, on giving to the Undertakers fourteen days' notice in writing under the hand of their secretary or general manager for the time being, and in case of emergency, of which their engineer shall be the sole judge, without notice divert, support or carry the said works of the Undertakers across, over, or under their lands, railways, bridges or works at any other point, or otherwise deal with the same in as convenient a manner as circumstances will admit, and doing as little damage as may be, without being liable to pay compensation in respect thereof, and the Undertakers shall, at their own expense, shore up or support their mains, pipes, sewers, culverts or other works which may be interfered with during the alteration or repair of any bridges of the Company, and, failing their doing so, the Company may do so at the expense of the Undertakers ;
- (g) Except as in this section otherwise provided, any dispute or difference which may arise between the Company and the Undertakers with reference to the provisions of this section, or in any way arising thereout, or as to any works to be carried out in pursuance thereof, shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Company and the Undertakers, or either of them, and the costs of such arbitration shall be in the discretion of such arbitrator.

[Ch. cxxvii.] *Gas and Water Orders Confirmation* [51 & 52 VICT.]  
*Act, 1888.*

A.D. 1888.

*Goring and  
Streatley.*

For the  
protection  
of the Con-  
servators of  
the River  
Thames.

59. For the protection of the Conservators of the River Thames (in this section called "the conservators"), the following provisions shall have effect (that is to say) :

- (1.) The lines of pipes Nos. 2 and 4 by this Order authorised, and all or any temporary or permanent works connected therewith, and any works so far as the same affect the River Thames, shall, if constructed, be executed according to a plan and section, or plan or elevation, to be approved in writing by the conservators and deposited at their office ; and the works in, under or over the River Thames shall be executed and performed to the satisfaction of the engineer for the time being of the conservators, and the traffic of the said River Thames shall not be interfered with, and the Undertakers shall, within fourteen days after notice from the conservators so to do, remove any materials for temporary works which may have been placed in the river by the Undertakers, and on their failing to do so, the conservators may remove the same, charging the Undertakers with the expense of so doing, and the Undertakers shall forthwith repay to the conservators all expenses so incurred ;
- (2.) The Undertakers shall not make or commence any works in, under or on the bed and banks of the River Thames without the consent in writing of the conservators until the expiration of one month after notice in writing to the conservators ;
- (3.) No works, either temporary or permanent, shall be constructed in, under or on the bed of the River Thames as to prevent the conservators from deepening and dredging the river to the depth of one hundred and seventeen feet six inches above Ordnance datum ;
- (4.) If the conservators deem it necessary, the Undertakers shall hang out and exhibit, at or near to the works by this Order authorised, and on any temporary works connected therewith, so far as the same affect the River Thames, every night, from sunset to sunrise, lights to be kept burning by and at the expense of the Undertakers, and proper and sufficient for the navigation and safe guidance of vessels, and the lights shall from time to time be altered by the Undertakers in such manner, and be of such kind and number, and be so placed and used as the conservators, by writing under the hand of their secretary, shall approve and direct ; and in case the Undertakers fail so to exhibit and keep burning the lights they shall, for every such offence, forfeit a sum of ten pounds ;
- (5.) Nothing in this Order contained shall authorise or empower the Undertakers to embank or encroach upon or interfere with any part of the bed or banks of the River Thames, except according to the plan to be approved by the conservators ;
- (6.) The Undertakers shall not take any gravel, soil or other material from the bed of the river, without the previous consent of the conservators, signified in writing, under the hand of their secretary ;
- (7.) Nothing contained in this Order shall extend to, or be construed to extend to, prejudice or derogate from the estates, rights, interests, privileges, liberties or franchises of the conservators, or to prohibit, defeat, alter or diminish any powers, authority or jurisdiction which, at the commencement of this Order, the conservators did or might lawfully claim, use or exercise.



[51 & 52 VICT.] *Gas and Water Orders Confirmation* [Ch. cxxvii.]  
*Act, 1888.*

60. If any difference arise between the Undertakers and any railway, canal or other Company, whose land or works the Undertakers have power to cross under the authority of this Order, or any part of this Order, for the purpose of meeting the demands for gas or water within the limits of supply, as to the mode of laying down, repairing, altering or enlarging their mains, pipes or works, or as to the facilities to be afforded for the same, such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

A.D. 1888.  
*Goring and  
Streatley.*

As to pipes  
crossing the  
works of a  
Railway or  
other Company.

61. All penalties, costs, and expenses under this Order may be recovered in manner provided by the Summary Jurisdiction Acts.

Recovery of  
penalties.

62. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order. Provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers.

8 Vict., c. 16,  
s. 140, incor-  
porated.

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

Costs of  
Order.

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## SCHEDULES.

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### SCHEDULE A.

#### GAS AND WATER LANDS.

A piece or parcel of land situate in the parish of Goring, in the county of Oxford, containing by admeasurement one acre and ten perches or thereabouts, and being part of a field or piece of land numbered 16 on the 25-inch Ordnance map of the said parish of Goring (such field belonging or reputed to belong to C. L. W. Gardiner), and bounded on the south by a new road, on the east and south-east by the Icknield Way, on the north and west by the remainder of the said field numbered 16 on the said Ordnance map.

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### SCHEDULE B.

#### SITE OF LAND FOR RESERVOIR.

A piece or parcel of land, situate in the said parish of Goring, in the county of Oxford, containing by admeasurement one acre or thereabouts, and being part of the field or piece of land known as the "Leg of Mutton Field," and numbered 124 on the 25-inch Ordnance map of the said parish of Goring, such field belonging or reputed to belong to the said C. L. W. Gardiner.



[Ch. cxxvii.] *Gas and Water Orders Confirmation* [51 & 52 Vict.]  
*Act, 1888.*

A.D. 1888.

SHERINGHAM GAS AND WATER.

*Sheringham.*

*Order empowering the Sheringham Gas and Water Company Limited to construct and maintain Gasworks and Waterworks and to make and supply gas and to supply water within the parishes of Sheringham and Beeston Regis in the County of Norfolk.*

Order to consist of four parts.

1. This Order shall consist of Four Parts :—

PART I.—Preliminary. Relating both to the Gas Undertaking and to the Water Undertaking.

PART II.—Relating to the Gas Undertaking.

PART III.—Relating to the Water Undertaking.

PART IV.—General provisions relating both to the Gas Undertaking and to the Water Undertaking.

PART I.

PRELIMINARY.—RELATING BOTH TO THE GAS UNDERTAKING AND TO THE WATER UNDERTAKING.

Short title.

2. This Order may be cited as “The Sheringham Gas and Water Order, 1888.”

Commencement of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as “the commencement of this Order.”

Incorporation of Lands Clauses Acts.

4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the Undertaking) are hereby incorporated with this Order except where the same are expressly varied by this Order.

Interpretation.

5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order or with any part of this Order and by the Gas and Waterworks Facilities Act 1870 meanings are assigned have in this Order or in such part of this Order the same respective meanings. In this Order :—

The expressions “deposited plans” and “deposited sections” shall mean the plans and sections deposited for the purposes of this Order.

Limits of Order.

6. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as “the limits of the supply”) shall be the parishes of Sheringham and Beeston Regis in the county of Norfolk.

Undertakers.

7. The Sheringham Gas and Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as “the Undertakers.”

[51 & 52 VICT.] *Gas and Water Orders Confirmation* [Ch. cxxvii.]  
Act, 1888.

PART II.

RELATING TO THE GAS UNDERTAKING.

A.D. 1888.

*Sheringham.*

Incorporation  
of Gasworks  
Clauses Acts.

8. The provisions of the Gasworks Clauses Act 1847 (except sections thirty to thirty-four both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this part of this Order except where the same are expressly varied by this part of this Order. Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act 1847 shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates of dividend as defined by this Order together with any sum which, under the provisions of this Order might lawfully be carried to the insurance fund.

*Capital.*

9. The share capital of the Undertakers shall not for the purposes of the Undertaking authorised by this part of this Order (in this part of this Order referred to as "Gas Capital") exceed six thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water works Facilities Act 1870 or by Act of Parliament.

Gas capital.

10. Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits in respect of the Gas Undertaking authorised by this part of this Order any larger dividends on the gas capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such capital as may 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 and such dividends or such dividends as reduced or increased in accordance with the provisions of this part of this Order are in this part of this Order referred to as "the prescribed rates."

Limits of divi-  
dend on gas  
capital.

11. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the Gas Undertaking authorised by this part of this Order shall not at any time exceed in the whole one thousand five hundred pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limits of  
borrowing  
powers in  
respect of  
Gas  
Undertaking.

12. If the clear profits of the undertaking authorised by this part of this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up gas capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up gas capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time

If profits  
exceed the  
amount  
limited excess  
may be in-  
vested and  
form an in-  
surance fund.



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A.D. 1888.  
*Sheringham.*

arise against or fall upon the Undertakers in relation to such undertaking from accident strike or other circumstance which in the opinion of a justice due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches one-twentieth part of such paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of such paid-up capital as aforesaid.

Application of excess of profits over prescribed rates.

13. If the clear profits of the undertaking authorised by this part of this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Power to create a reserve fund out of dividend in excess of the prescribed rates of dividend and application thereof.

14. Where in any year the standard rates of dividend in respect of the undertaking authorised by this part of this Order are by reason of the diminution of the standard price of gas charged by the Undertakers in such year increased then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit and all sums (if any) so set apart by the Undertakers and any reserve or other fund of the Undertakers existing at the commencement of this Order in relation to such undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the Gas Reserve Fund" and shall be applicable to the payment of dividend in respect of such undertaking in any year in which the clear profits of the Undertakers in respect of such undertaking are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as in this Order otherwise provided no sum shall in any year be in relation to such undertaking carried by the Undertakers to any reserve fund.

*Acquisition of Land for Gas Purposes.*

Power to acquire lands.

15. The Undertakers may for the purposes of the Gas Undertaking authorised by this part of this Order (by agreement but not otherwise) purchase or take on lease and hold such of the lands shown on the deposited plans and described in the schedule to this Order annexed as they may require for the purpose of the said Undertaking.

*Construction and Maintenance of Gasworks Manufacture and Sale of Gas  
Coke and Residual Products.*

Construction and maintenance of Gas works and sale of gas and residual products.

16. The Undertakers on the lands shown on the deposited plans and described in the schedule to this Order annexed when they have acquired or while they are possessed of the same may construct and maintain and from time to time alter enlarge extend renew and discontinue retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke



[51 & 52 VICT.] *Gas and Water Orders Confirmation* [Ch. cxxvii.]  
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and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this part of this Order make and store gas and supply and sell the same within the limits of supply and may manufacture and store coke coal-tar pitch asphaltum ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at the gasworks and elsewhere.

A.D. 1888.  
*Sheringham.*

*Quality of Gas.*

17. The quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of gas.

*Price of Gas.*

18. The standard price to be charged by the Undertakers for gas supplied by them shall be five shillings per thousand cubic feet.

Fixing maximum price of gas with sliding scale as to dividend.

Provided that the Undertakers may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of each penny by which the standard price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

*Pressure of Gas.*

19. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure of gas.

*Testing of Gas.*

20. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any

Testing gas.



[Ch. cxxvii.] *Gas and Water Orders Confirmation* [51 & 52 VICT.]  
Act, 1888.

A.D. 1888. time the gas flame tails over the top of the glass a six-inch by two-inch chimney glass shall be used. Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this part of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

*Sheringham.*

*Miscellaneous.*

No penalty in case of unavoidable cause.

21. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Separate accounts to be kept in respect of Gas Undertaking.

22. The Undertakers shall keep separate annual accounts in respect of their Gas Undertaking authorised by this part of this Order showing the amount of their paid-up capital in relation to such undertaking, and such accounts shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Undertakers to pay interest on deposit.

23. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

PART III.

RELATING TO THE WATER UNDERTAKING.

Incorporation of Waterworks Clauses Acts.

24. The provisions of the Waterworks Clauses Acts 1847 and 1863 are hereby incorporated with this part of this Order except where the same are expressly varied by this part of this Order.

Interpretation.

25. The expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this part of this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

*Capital.*

Capital.

26. The share capital of the Undertakers shall not for the purposes of their Water Undertaking authorised by this part of this Order exceed six thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Waterworks Facilities Act 1870 or by Act of Parliament.

Limit of borrowing powers.

27. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the Water Undertaking authorised by this part of this Order shall not at any time exceed in the whole one thousand five hundred pounds and no



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higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid. A.D. 1888.  
Sheringham.

*Acquisition of Lands for Water Purposes.*

28. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the Water Undertaking authorised by this part of this Order and they may by agreement from time to time purchase or take on lease and use any other lands and any easements rights or privileges in over or affecting any lands which they may require for such purposes Provided that they shall not at any time hold for such purposes more than three acres of land in the whole. Power to purchase lands.

29. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege not being an easement of water 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 or to such easements rights or privileges as aforesaid. Persons under disability may grant easements &c. to Undertakers.

*Construction of Waterworks.*

30. The Undertakers may on the lands shown on the deposited plans when they have acquired and while they are possessed of the same make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works herein-after described with all necessary approaches embankments roads filtering beds wells dams sluices culverts mains pipes engines and all works and conveniences connected therewith and they may subject to the provisions of this part of this Order supply and sell water within the limits of supply. Power to construct waterworks and supply water.

The works authorised by this part of this Order are as follows:—

Work No. 1.—A well pumping station and tank in the southern part of the piece of ground numbered 5 on the 25-inch Ordnance map in the parish of Sheringham being part of Sheringham Wood belonging or reputed to belong to Thomas Wyndham Cremer and an aqueduct or line of pipes commencing at the said tank and terminating at the northernmost corner of the said Wood where it joins Sheringham Common.

Work No. 2.—An aqueduct or line of pipes commencing at the termination of the aqueduct or line of pipes herein-before described in the cart track leading from that point over Sheringham Common and terminating opposite the Lobster public-house in the parish of Sheringham.

Work No. 3.—An aqueduct or line of pipes in the said parish of Sheringham commencing by a junction with work No. 2 at the termination thereof as herein-before described and terminating in the Holway Road at a point twenty-seven chains or thereabouts from the centre of the level crossing of the Eastern and Midlands Railway measured along the said road in a southerly direction.

Work No. 4.—An aqueduct or line of pipes in the said parish of Sheringham commencing by a junction with work No. 3 at a point in the road through



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Lower Sheringham opposite the fountain or reservoir and terminating at the point in the road numbered 185 on the 25-inch Ordnance map of that parish thirty chains or thereabouts from the centre of the bridge which carries the said road over the Eastern and Midlands Railway measured in the direction of Upper Sheringham.

Work No. 5.—An aqueduct or line of pipes in the said parish of Sheringham commencing by a junction with work No. 2 at a point in the road leading from Weybourne to Cromer one chain or thereabouts from the south-west corner of the house known as Victoria House and terminating in the high road leading from Weybourne to Runton at the parish boundary between Beeston Regis and Runton at the east corner of the clump of trees known as the "Belt" and numbered 96 on the said 25-inch Ordnance map.

Work No. 6.—An aqueduct or line of pipes in the said parish of Sheringham commencing by a junction with work No. 2 at the same point as the junction therewith of work No. 5 herein-before described and terminating near the southern end of the road number 127 on the said 25-inch Ordnance map leading from the Skelding Hill.

Limits of deviation.

31. In constructing the works authorised by this part of this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards or seven feet downwards.

Period for completion of works.

32. The works authorised by this part of this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by Section 11 of the Gas and Waterworks Facilities Act 1870 Provided that subject to the restrictions and provisions of this part of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery tanks wells pipes reservoirs and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order within the limits of supply.

*Supply.*

Limits of pressure.

33. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the tank authorised by this Order.

Rates for supply for domestic purposes.

34. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one water-closet) furnish to such owner or occupier a supply sufficient for such purposes at rates not exceeding the rates herein-after specified (that is to say)

Where the rateable value of the premises so supplied with water does not exceed five pounds the rate of twopence per week.

Where such rateable value exceeds five pounds but does not exceed ten pounds the rate of seven pounds and ten shillings per centum per annum upon such rateable value and so in proportion for any shorter period.

Where such rateable value exceeds ten pounds but does not exceed thirty

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pounds the rate of seven pounds per centum per annum upon such rateable value and so in proportion for any shorter period.

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—  
*Sheringham.*

Where such rateable value exceeds thirty pounds but does not exceed forty pounds the rate of six pounds ten shillings per centum per annum upon such rateable value and so in proportion for any shorter period.

Where such rateable value exceeds forty pounds the rate of five pounds and fifteen shillings per centum per annum upon such rateable value and so in proportion for any shorter period.

Provided that in the case of any inn or hotel (public or private) so supplied with water the rateable value of which exceeds fifteen pounds the Undertakers shall be entitled to demand and take in respect of such supply at a rate not exceeding the rate of seven pounds and ten shillings per centum per annum upon such rateable value and so in proportion for any shorter period.

Provided also that the Undertakers shall not be entitled in any case to demand a higher water rate for any house or part of a house included in any division of the above scale of rates than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale but they shall not be compellable to furnish any such supply as aforesaid at any less rate than twopence per week.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list for the time being in force at the commencement of the quarter for which the rate accrues.

35. The Undertakers may charge for and in respect of every water closet beyond the first in any premises within the limits of supply an additional sum not exceeding five shillings per annum and for every bath an additional sum not exceeding ten shillings per annum. Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of ten shillings increased in proportion to the size of such baths but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water and such additional sums are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Rates for water closets, &c.

36. The Undertakers shall at their own expense place and maintain at some convenient point in the parish of Lower Sheringham to be agreed upon between the vestry of that parish and the Undertakers or in default of agreement to be fixed by an Arbitrator to be appointed by the Board of Trade a stand or tap from which water may be drawn off each week day free of cost for domestic purposes only and shall lay and maintain a pipe thereto of not less than three-fourths of an inch in diameter and they shall supply and keep the same supplied with sufficient water except when prevented by frost leakage or other inevitable accidents.

As to supply of public tap at Sheringham.

37. Subject to the provisions of this part of this Order the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient and as may be approved by the Local Government Board for preventing the waste misuse or contamination of water and among other things may prescribe the size nature and strength of the pipes cocks cisterns and other apparatus proper and suitable for the purposes of supply. Provided that such

Power for Undertakers to make regulations for preventing waste, misuse, or contamination of water.



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- A.D. 1888. regulations shall apply only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.
- Sheringham.*
- Publication of regulations. 38. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers which copy shall be open to the inspection of all persons at all reasonable times without payment and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.
- Evidence of regulations. 39. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board shall be *primâ facie* evidence in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.
- Power for Undertakers to repair or alter pipes, &c., where regulations not complied with. 40. In case of failure of any person to observe any of such regulations as are for the time being in force the Undertakers may if they think fit after forty-eight hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe cock cistern or other apparatus fittings or appliances belonging to or used by such person for the purposes of supply and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.
- Water supplied by agreement. 41. The Undertakers may from time to time by agreement supply anybody or person within or without the limits of supply with water in bulk for other than domestic purposes upon such terms and conditions and for such remuneration as may from time to time be agreed upon between the Undertakers and such body or person but notwithstanding any such agreement no such body or person shall be entitled to a supply of water under any such agreement whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this part of this Order and every such agreement shall be by virtue of this part of this Order determinable by the Undertakers on one month's notice in writing Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work in any district beyond the limits of supply within the meaning of Section 52 of the Public Health Act 1875 or any similar provision.
- Supply of water by measure. 42. The Undertakers may if they think fit enter into agreements for the supply of water by measure to anybody or person within the limits of supply and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the price of such meter or instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.
- Undertakers to keep meters in repair. 43. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes afore-



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said have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

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44. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate 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 or in what proportion between 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.

Register of meters to be evidence.

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

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

46. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the waterworks of the Undertakers by a distinct pipe Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

When several houses supplied by one pipe each to pay.

47. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless the tenant or occupier be in respect of the tenement so occupied by him rated under this part of this Order for a supply of water.

Supply of water to tenements in a row.

*Penalties.*

48. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers or commits any breach of any authorised regulation against waste misuse or contamination of the water supplied by the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other

Injuring meters, &c.



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A.D. 1888. instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending (notwithstanding any contract previously existing) and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *primâ facie* evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipes meter instrument or fittings.

Misuser where supply to several houses is by a pipe common to all.

49. Any tenant or occupier of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

*Miscellaneous.*

Incoming tenant not liable for arrears of former tenant.

50. In case any person supplied with water by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Separate accounts to be kept in respect to Water Undertaking.

51. The Undertakers shall keep separate annual accounts with respect to their Water Undertaking authorised by this part of this Order showing the amount of their paid-up capital in relation to such Undertaking and such accounts shall in all respects be in accordance with the provisions of the Water-work Clauses Act 1847.

Several names in one summons.

52. Any summons or warrant issued for any of the purposes of this part of this Order may contain in the body thereof or in the schedule thereto several names and several sums.

Warrant of distress to include costs.

53. Any justice who issues a warrant of distress in pursuance of the provisions of this part of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices from acting.

54. No justice or judge of any County Court or Quarter Sessions shall be disqualified from acting in the execution of this part of this Order by reason of his being liable to the payment of any water rate or other charge under this part of this Order.

*General Provisions applying to Gas and Water Undertakings.*

As to pipes crossing the works of a railway or other company.

55. If any difference arise between the Undertakers and any railway canal or other company whose land or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for gas or water within the limits of supply as to the mode of laying down repairing



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altering or enlarging their mains pipes or works or as to the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. A.D. 1888.  
*Sheringham.*

56. All penalties costs and expenses under this Order may be recovered in manner provided by the Summary Jurisdiction Acts. Recovery of penalties.

57. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers. 8 Vict., c. 16, s. 140, incorporated.

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

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SCHEDULE.

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GAS LANDS.

A piece of land in the parish of Sheringham containing two acres or thereabouts belonging or reputed to belong to Thomas Wyndham Cremer being part of Sheringham Wood (within the limits of land to be acquired) as marked on the deposited plans which said piece of land forms part of the enclosures numbered 4 and 5 on the 25-inch Ordnance map for that parish.

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WINCHESTER WATER AND GAS.

*Winchester.*

*Order empowering the Winchester Water and Gas Company to raise additional Capital.*

1. This Order may be cited as the Winchester Water and Gas Order 1888. Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as the "commencement of this Order." Commencement of Order.
3. The Winchester Water and Gas Act 1865 (in this Order referred to as the Act of 1865) as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.
4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following that is to say :—  
The distribution of the Capital of the Company into shares ;  
The transfer or transmission of shares ;  
The borrowing of money by the Company on mortgage or bond ;



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A.D. 1888. The conversion of the borrowed money into capital ;  
*Winchester.* The consolidation of the shares into stock ;  
The general meetings of the Company and the exercise of the right of voting  
by the shareholders ;  
The appointment and proceedings of the directors ;  
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 the 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 and the Companies Clauses Act 1869 are (except  
where expressly varied by this Order) incorporated with and form part of this  
Order.

Application of  
Gasworks  
Clauses Act  
1871 to  
Undertaking.

5. From and after the commencement of this Order the Undertakers shall be  
subject in all respects to the provisions of the Gasworks Clauses Act 1871 (save  
so far as the same may be expressly varied or excepted by this Order) and the  
said provisions save as aforesaid shall apply to the undertaking as though the  
gasworks and works connected therewith were an undertaking authorised by this  
Order and shall be held to control and supersede such of the provisions of the Act  
of 1865 as are inconsistent therewith.

Interpretation.

6. The several words terms and expressions to which by any Act wholly or  
partially incorporated with this Order and by the Gas and Waterworks Facilities  
Act 1870 and the Gasworks Clauses Act 1871 meanings are assigned have in  
this Order the same respective meanings and in the construction of the said Acts  
for the purposes of this Order the expression "the special Act" shall mean this  
Order.

Undertakers.

7. The Winchester Water and Gas Company incorporated by the Act of 1865  
shall be the Undertakers for the purposes of this Order and are in this Order  
referred to as the Undertakers.

*Additional Capital.*

New capital.

8. In addition to the original and additional capital of the Undertakers as  
defined or authorised by the Act of 1865 (in this Order referred to as "the  
existing capital") they may from time to time

(1.) Raise any further sums not exceeding in the whole forty thousand  
pounds by the issue of new ordinary shares or stock or new preference  
shares or stock or wholly or partly by any one or more of those modes  
respectively (in this Order referred to as "the new capital") but the  
Undertakers shall not issue any share under the authority of this Order of  
less nominal value than twenty-five pounds nor shall any such share or stock  
issued under the authority of this Order vest in the person accepting the same  
unless and until the full nominal amount of such share or stock together  
with any premium obtained upon the sale thereof as herein-after provided  
has been paid in respect thereof : Provided that it shall not be lawful for the  
Undertakers to create and issue under the powers of this Order any greater  
nominal amount of capital than will be sufficient to produce including any  
premiums which may be obtained on the sale thereof the sum of forty  
thousand pounds ; and

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(2.) Borrow on mortgage from time to time in respect of the new capital of forty thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock any sums not exceeding in the whole ten thousand pounds and the Undertakers may as each sum of ten thousand pounds of such new capital has been actually raised by the issue of shares or stock borrow on mortgage in respect of each such sum of ten thousand pounds any sum or sums not exceeding in the whole two thousand five hundred pounds but in no case shall any part of the said respective sums of two thousand five hundred pounds be borrowed until the whole of the shares or stock for so much of the new capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premiums (if any) have been fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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*Winchester.*

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

As to conversion of borrowed money into capital.

10. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

11. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

New shares or stock to be offered by auction or tender.

12. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares or stock so offered for sale by

Where proprietor tenders same amount



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*Winchester.*

as any other person, proprietor to be declared the purchaser.

Purchase money of shares or stock sold by auction to be paid within three months.

As to notice to be given as to sale &c. of shares and stock.

Shares or stock not sold by auction or by tender to be offered to shareholders.

Application of premium arising on issue of shares or stock.

Power to create debenture stock.

Priority of existing mortgages

auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

13. It shall be one of the conditions of any sale of shares or stock under this Order that the whole nominal amount thereof together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

14. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of the Act of 1865 and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two successive weeks in one or more newspapers circulating within the limits of supply.

15. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in manner provided by the Companies Clauses Act 1863 Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order.

16. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

17. The Undertakers 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 any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or under this Order or under any subsequent Act or 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 Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

18. All mortgages granted by the Undertakers under the authority of the Act of 1865 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Act of 1865 have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created

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and issued by the Undertakers. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. A.D. 1888.

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*Winchester.*

19. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the existing and new capital than ten pounds in respect of every one hundred pounds of the existing capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as preference capital. Limits of dividend on capital.

20. In case in any half-year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the existing and new capital of the Undertakers a proportionate reduction shall be made in the dividend of each class. Dividends on different classes of shares to be paid proportionately.

21. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order. Limit of interest on borrowed money.

22. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order. Appointment of a receiver

23. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1865 and this Order to which capital is properly applicable. Application of money.

*Pressure of Gas.*

24. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer. Pressure of gas.

*Testing Gas.*

25. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works or upon some part of their lands or within two hundred yards from any part thereof a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the mayor aldermen and citizens of the city of Winchester may at any time provide at the Guildhall of the said city or in any other part of the said city a like testing place which shall be at all times under their sole control and management Provided that the manager of the Undertakers for the time being shall at all reasonable times have power to inspect the apparatus in the said last-mentioned testing place. Testing of gas.



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The burner to be used for testing gas in the said testing places shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarters-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing places or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

*Supply of Water.*

Supply of  
water.

26. Any person entitled under this Order to demand and receive from the Undertakers a supply of water for domestic purposes shall be entitled to have a supply by measure sufficient for such domestic purposes and in the case of a builder requiring water for trade purposes a supply sufficient for such trade purposes at a rate not exceeding the rate of one shilling per one thousand gallons. Provided that the Undertakers shall not be compellable to furnish to any person under the provisions of this section any less supply than 100,000 gallons in any one year.

Supply of  
water by  
meter.

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

Undertakers to  
keep meters in  
repair.

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

Register of  
meters to be  
evidence.

29. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed in respect of which any water rate 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 any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Regulations  
for preventing  
waste of water.

30. Subject to the provisions of this Order the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient and as may be approved by the Local Government Board for preventing the waste misuse or contamination of water, and among other things may prescribe the size nature and strength of the pipes cocks cisterns and other apparatus



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proper and suitable for the purposes of supply Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

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31. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers which copy shall be open to the inspection of all persons at all reasonable times without payment and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Publications of regulations.

32. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board as aforesaid shall be primâ facie evidence in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

Evidence of regulations.

33. In case of failure of any person to observe any of such regulations as are for the time being in force the Undertakers may if they think fit after forty-eight hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe cock cistern or other apparatus fittings or appliances belonging to or used by such person for the purposes of supply and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.

Power for Undertakers to repair or alter pipes, &c. where regulations not complied with.

34. Section 45 (water not necessarily under pressure) of the Act of 1865 shall be and is hereby repealed from and after the expiration of three years from the commencement of this Order.

Repeal of Section 45 of Act of 1865.

35. This Order shall not except as herein specially mentioned prejudice alter or affect all or any of the provisions of the Act of 1865.

Saving of Act of 1865.

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

Costs of Order.

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London: Printed for HER MAJESTY'S STATIONERY OFFICE,  
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
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