



CHAPTER xlviii.

An Act for conferring further powers upon the Brompton Chatham Gillingham and Rochester Waterworks Company and for other purposes. [1st July 1898.]

A.D. 1898.

WHEREAS by the Brompton Chatham Gillingham and Rochester Waterworks Act 1860 (herein-after called "the Act of 1860") the Brompton Chatham Gillingham and Rochester Waterworks Company (herein-after called "the Company") were incorporated and the limits of the Company for the supply of water were defined as including the city of Rochester and the towns and places of Old and New Brompton Gillingham and Chatham in the county of Kent and the several parishes within the same city and towns or places respectively :

And whereas by the Brompton Chatham Gillingham and Rochester Waterworks Act 1868 (herein-after called "the Act of 1868") the aforesaid Act was amended and further powers were conferred upon the Company :

And whereas the demand for water within the aforesaid limits of supply has of late years greatly increased and it is expedient that the Company be authorised to construct additional waterworks and to acquire further lands and that the other powers herein-after contained be conferred upon the Company :

And whereas it is expedient that the limits of the Company for the supply of water be extended so as to include the parish of Saint Margaret Extra in the county of Kent :

And whereas the capital of the Company consists of seventy-four thousand five hundred pounds divided into shares of five pounds each and the whole of such capital is paid up and the Company do not owe any money on mortgage :

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

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And whereas the objects of this Act cannot be effected without the authority of Parliament :

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes thereof were duly deposited with the clerk of the peace for the county of Kent and are in this Act referred to as "the deposited plans sections and book of reference" :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the Brompton Chatham Gillingham and Rochester Water Act 1898.

Incorporation of general Acts.

2. The Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the Waterworks Clauses Act 1847 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters. (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The consolidation of shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts are (except where expressly varied by this Act)

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incorporated with and form part of this Act And the provisions of the Waterworks Clauses Act 1863 shall also apply to the waterworks and undertaking authorised by the Act of 1860 and to the Company in relation thereto as if that Act had been passed subsequently to and had incorporated the said Waterworks Clauses Act 1863. A.D. 1898.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the following works (that is to say):— Power to make works.

(1) A pumping station to be situate in the parish of Chatham in the borough of Chatham at or near the well at the Company's works at Luton known as Headley Well:

(2) An aqueduct conduit or line of pipes commencing at the aforesaid pumping station and terminating at the reservoir herein-after described:

(3) A service reservoir partly in the said parish of Chatham and partly in the said parish of Saint Margaret Extra situate in that portion of the wood known as Woolman's Wood which lies between the road leading from Chatham to Maidstone and the road leading from Rochester to Maidstone and is situate to the southward of an imaginary line drawn from a point on the first-mentioned road 9 chains or thereabouts northward from the junction of the said roads to a point on the road from Rochester to Maidstone 9 chains north-west from the aforesaid junction.

5. In making the works by this Act authorised and shown on the deposited plans the Company may deviate laterally from the lines thereof shown on those plans to any extent within the limits of deviation shown thereon and in the case of the aqueduct conduit or line of pipes (where the same is under ground) beyond those limits with the consent of the person through whose lands such deviation is proposed to be made and where on any road or any part of a road no such limits are shown the boundaries of such road shall be deemed to be such limits and the Company may also deviate from the levels of such works as delineated on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards but so as not to alter the surface level of any road or raise such aqueduct conduit or line of pipes above the surface of Lateral and vertical deviation.

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Provided that the Company shall not in the exercise of the powers
of lateral deviation hereby conferred upon them construct any
embankment or retaining wall of the reservoir authorised by this
Act of greater height above the general surface of the ground than
three feet above that of the corresponding embankment or wall
shown on the deposited sections.

Power to
make inci-
dental and
distributing
works.

6. The Company may also on any lands shown on the deposited
plans make and maintain all proper and necessary filtering beds
tanks gauges pipes drains sluices catch-pits conduits culverts
channels wells cuts adits tunnels roads approaches apparatus engines
pumps machinery works and conveniences in connection with the
works herein-before described or which may be necessary or
convenient to be made on such lands for the purpose of obtaining
storing and distributing water and may alter improve enlarge extend
or renew all or any of such works.

Power to
take and
appropriate
water.

7. The Company may collect take and use all or any of the
underground springs and waters which can or may be collected or
taken by means of the waterworks by this Act authorised or which
may be found in or near the site of such works or in or under any
lands for the time being of the Company :

Provided that the Company shall not on the lands known as
Woolman's Wood which they are authorised to acquire under this
Act make any wells cuts adits or other works for the purpose of
obtaining water in or under such lands.

Power to
divert foot-
path.

8. The Company may divert the public footpath in the parish
of Chatham in the county of Kent leading from Starr Mill to Upper
Luton commencing at the southernmost end of King's Road and
terminating at the main entrance of the Company's works at Luton
to the extent and in the manner shown on the deposited plans and
when and so soon as the new portion of such footpath is made to the
satisfaction of two justices and is open for public use the Company
may stop up and cause to be discontinued as a footpath the portion
of the existing footpath which will be situate between the respective
points of commencement and termination of such new portion of
footpath and when and so soon as such portion of footpath shall be
stopped up all public and other rights of way over the same shall
cease and the site thereof shall vest in the Company freed and
discharged from such rights.

Company
may acquire
easements
only in
certain lands.

9. The Company may in lieu of acquiring any lands for the
purpose of the aqueduct conduit or line of pipes by this Act
authorised acquire such easements and rights in such lands as they

may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that nothing herein contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Company for the purpose of laying aqueducts conduits or lines of pipes therein where such aqueduct conduit or line of pipes are laid underground the Company shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

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10. For the protection of the property vested in Her Majesty's Principal Secretary of State for the War Department the following provisions shall unless otherwise agreed have effect and be binding upon the Company (that is to say):—

For the protection of the Secretary of State for War.

- (1) The portion of the aqueduct conduit or line of pipes by this Act authorised which will be situate on the property so vested in the said Secretary of State shall be laid and maintained in an efficient condition at the expense of the Company and at such depth that there shall at no point be less than thirty inches between the top of the said aqueduct conduit or line of pipes and the surface of the ground :
- (2) The said portion of aqueduct conduit or line of pipes shall be constructed and the surface of the ground restored to the satisfaction of the said Secretary of State within three months from the commencement of the construction of such portion :
- (3) The Company shall compensate the tenants of property so vested under which the said aqueduct conduit or line of pipes will be made in respect of any damage which may at any time be caused to them by reason of the laying maintenance or

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alteration of the said aqueduct conduit or line of pipes or by leakage therefrom or any defect therein :

- (4) The Company shall if at any time so required to do by the said Secretary of State by notice in writing within one month of the receipt of such notice divert or alter the line of such pipe on the property vested in the said Secretary of State in such manner as the said Secretary of State shall require and shall if so required by the said Secretary of State remove any portion of the said aqueduct conduit or line of pipes which may be rendered unnecessary by reason of such diversion and restore the site thereof :
- (5) The Company shall not acquire any greater interest in any property vested in the said Secretary of State through which the aqueduct conduit or line of pipes will be constructed than a right to lay and maintain the same in accordance with the provisions of this Act and of access thereto for those purposes and the Company shall in respect of such right pay to the said Secretary of State yearly the sum of three pounds :
- (6) The Company shall at the request of the said Secretary of State or any tenants of the properties vested in him through which the said aqueduct conduit or line of pipes will be constructed give to him or them an ordinary supply of water at any point along such portion of aqueduct conduit or line of pipes at rates not exceeding those for the time being demanded by the Company for a supply of water by meter and shall provide at their own expense all connections and meters if necessary for that purpose :
- (7) All works on the property so vested shall be carried out at the sole expense of the Company and to the satisfaction of the Commanding Royal Engineer of the district but no such works shall be commenced unless at least seven days' notice in writing shall have been given to the said Commanding Royal Engineer specifying the works proposed to be carried out and his consent in writing to the proposed time and mode of executing the works shall have been obtained.

Power to
take lands
by compul-
sion.

11. The Company may enter upon take hold and use for the purposes of the works by this Act authorised such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes and in addition thereto may enter upon take hold and use for the general purposes of their undertaking and for the protection of their water-works and water supply the land and buildings following delineated on the deposited plans and described in the deposited book of

reference and situate in the parish of Chatham in the county of Kent (that is to say) :— A.D. 1898.

- (A) Certain lands and buildings situate on the north-east side of the road leading from Upper Luton to Hale near and in part adjoining the aforesaid works of the Company at Luton which lands are numbered respectively on the Ordnance map (Second Edition 1897 scale $\frac{1}{2500}$) 215 216 219 220 and 221 in the said parish of Chatham :
- (B) Certain lands and buildings abutting on the north-east side of the aforesaid road and lying to the south-east of the public-house known as "The Wheatsheaf" and the premises connected therewith and between such house and premises and the lands belonging to and occupied by the Company abutting on the said road :
- (C) Certain lands and buildings lying between the aforesaid road and Nelson Terrace :
- (D) Certain lands and buildings lying on the south-west side of the aforesaid road and numbered on the said Ordnance map 222 in the said parish of Chatham :
- (E) Certain lands and buildings lying on the south-west side of the aforesaid road opposite the lands (B) and (C) above described which lands are numbered respectively on the said Ordnance map 224 and 225 in the said parish of Chatham.

12. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years after the passing of this Act. Period for compulsory purchase of lands.

13. The Company may in addition to the lands now belonging to them or which they are by this Act authorised to purchase compulsorily from time to time by agreement purchase or take for any of the purposes of their undertaking any additional quantity of land not exceeding in the whole five acres or any easement or right (not being an easement right or privilege of water in which other than parties to the agreement are interested) in or over such additional lands or otherwise which they may from time to time think requisite for any of the purposes of their undertaking and may thereon execute for the purposes of or in connection with such undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 Provided that so long as any such lands are held by them the Company shall not on any such lands create or permit any nuisance or erect or authorise or permit the erection thereon of any buildings other than buildings connected with or necessary for their undertaking. Power to acquire additional lands by agreement.

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Power to hold lands for protection of works.

14. The Company may hold any lands for the time being vested in them which it may in their opinion be desirable to hold for the purpose of protecting their waterworks or water supply against pollution nuisance encroachment or injury and so long as it shall in the opinion of the Company be desirable to continue to hold such lands the same shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts Provided that the Company shall not create or permit a nuisance on or erect or authorise or permit the erection on any lands so held by them of any buildings other than buildings incident to or connected with their undertaking.

Power to sell &c. lands.

15. The Company may sell lease or exchange any lands for the time being vested in them to such person as they may think fit and in any such sale lease or exchange the Company may reserve to themselves all or any waters or water rights or other easements in relation thereto and may make such sale lease or exchange subject to such conditions restrictions and provisions with respect to the user of such lands or the carrying on of noxious trades or discharge or deposit of sewage thereon or other like matters as the Company may think fit.

Restrictions on displacing persons of labouring class.

16.—(1) The Company shall not under the powers of this Act purchase or acquire in any urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the 15th day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally

and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

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(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) Subject to the other provisions of this section the Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section but subject to the other provisions of this Act erect such dwellings for persons of the labouring class as may be necessary for

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the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they are by this Act authorised to raise :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries by that Board under the Public Health Act 1875.

(9) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(10) For the purposes of this section the expression "labouring class" means 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 of such persons who may be residing with them.

Power to
take ease-
ments &c. by
agreement.

17. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the

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provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1898.

18. If the works authorised by this Act and shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging altering or renewing any of their engines machinery mains or pipes cuts adits tunnels or incidental works and increasing or improving their supply of water or from exercising any of the powers with respect to the construction of works conferred upon them by the Acts incorporated with this Act from time to time as occasion requires. Period for completion of works.

19. From and after the passing of this Act the limits of the Company for the supply of water shall extend to and include the parish of Saint Margaret Extra in the county of Kent and the Company shall have and may exercise within such parish all the rights powers and privileges and shall be subject to the obligations in respect to the supply of water conferred or imposed upon them by the Act of 1860 as amended by the Act of 1868 and by this Act Provided that if at any time after the expiration of five years from the date of the passing of this Act the Company are not furnishing or prepared to furnish on demand a sufficient supply of water in accordance with the provisions of this Act and the Acts incorporated herewith in the whole or any part of such parish which has not a sufficient supply of water from some other source the local authority for the district in which such parish is included may provide a supply of water in the whole or any part of such parish in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of such district not sufficiently supplied by the Company as if in either case there were no company authorised by this Act to supply water therein. Extension of limits of supply.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

20.—(1) Section 44 of the Act of 1860 shall be as from and after the first day of January one thousand eight hundred and As to rates.

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A.D. 1898. ninety-nine hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) :—

The Company shall at the request of the owner or occupier of any house or part of a house in any street in which any pipe of the Company is or shall be laid or on the application of any person who under the provisions of the Act of 1860 as amended by this Act is entitled to demand a supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic use at rates not exceeding the yearly rates herein-after specified (that is to say) :—

Where the rateable value of a house or part of a house or premises does not exceed eight pounds the yearly rate of ten shillings ;

Where the rateable value of a house or part of a house or premises exceeds eight pounds and does not exceed nine pounds the yearly rate of twelve shillings ;

Where the rateable value of a house or part of a house or premises exceeds nine pounds and does not exceed eleven pounds the yearly rate of fourteen shillings ;

Where the rateable value of a house or part of a house or premises exceeds eleven pounds and does not exceed thirteen pounds the yearly rate of sixteen shillings ;

Where the rateable value of a house or part of a house or premises exceeds thirteen pounds and does not exceed fifteen pounds the yearly rate of eighteen shillings ;

Where the rateable value of a house or part of a house or premises exceeds fifteen pounds and does not exceed seventeen pounds the yearly rate of twenty shillings ;

Where the rateable value of a house or part of a house or premises exceeds seventeen pounds and does not exceed twenty pounds the yearly rate of twenty-three shillings ;

Where the rateable value of a house or part of a house or premises exceeds twenty pounds and does not exceed twenty-one pounds the yearly rate of twenty-six shillings ;

Where the rateable value of a house or part of a house or premises exceeds twenty-one pounds and does not exceed twenty-two pounds the yearly rate of twenty-eight shillings ;

Where the rateable value of a house or part of a house or premises exceeds twenty-two pounds and does not exceed twenty-three pounds the yearly rate of twenty-nine shillings ;

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- Where the rateable value of a house or part of a house or premises exceeds twenty-three pounds and does not exceed twenty-four pounds the yearly rate of thirty shillings ;
- Where the rateable value of a house or part of a house or premises exceeds twenty-four pounds and does not exceed twenty-five pounds the yearly rate of thirty-two shillings ;
- Where the rateable value of a house or part of a house or premises exceeds twenty-five pounds and does not exceed twenty-six pounds the yearly rate of thirty-three shillings ;
- Where the rateable value of a house or part of a house or premises exceeds twenty-six pounds and does not exceed twenty-seven pounds the yearly rate of thirty-four shillings ;
- Where the rateable value of a house or part of a house or premises exceeds twenty-seven pounds and does not exceed twenty-eight pounds the yearly rate of thirty-five shillings ;
- Where the rateable value of a house or part of a house or premises exceeds twenty-eight pounds and does not exceed twenty-nine pounds the yearly rate of thirty-six shillings ;
- Where the rateable value of a house or part of a house or premises exceeds twenty-nine pounds and does not exceed thirty pounds the yearly rate of thirty-seven shillings ;
- Where the rateable value of a house or part of a house or premises exceeds thirty pounds and does not exceed thirty-five pounds the yearly rate of thirty-eight shillings ;
- Where the rateable value of a house or part of a house or premises exceeds thirty-five pounds and does not exceed forty pounds the yearly rate of forty shillings ;
- Where the rateable value of a house or part of a house or premises exceeds forty pounds and does not exceed forty-five pounds the yearly rate of forty-three shillings ;
- Where the rateable value of a house or part of a house or premises exceeds forty-five pounds and does not exceed fifty pounds the yearly rate of forty-five shillings ;
- Where the rateable value of a house or part of a house or premises exceeds fifty pounds and does not exceed fifty-five pounds the yearly rate of forty-eight shillings ;
- Where the rateable value of a house or part of a house or premises exceeds fifty-five pounds and does not exceed sixty pounds the yearly rate of fifty shillings ;
- Where the rateable value of a house or part of a house or premises exceeds sixty pounds and does not exceed sixty-five pounds the yearly rate of fifty-five shillings ;

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Where the rateable value of a house or part of a house or premises exceeds sixty-five pounds and does not exceed seventy pounds the yearly rate of sixty shillings ;

Where the rateable value of a house or a part of a house or premises exceeds seventy pounds and does not exceed eighty pounds the yearly rate of seventy shillings ;

Where the rateable value of a house or part of a house or premises exceeds eighty pounds and does not exceed eighty-five pounds the yearly rate of seventy-five shillings ;

Where the rateable value of a house or part of a house or premises exceeds eighty-five pounds and does not exceed ninety pounds the yearly rate of eighty shillings ;

Where the rateable value of a house or part of a house or premises exceeds ninety pounds and does not exceed ninety-five pounds the yearly rate of ninety shillings ;

Where the rateable value of a house or part of a house or premises exceeds ninety-five pounds and does not exceed one hundred pounds the yearly rate of one hundred shillings ;

Where the rateable value of a house or part of a house or premises exceeds one hundred pounds the yearly rate of five pounds per centum per annum on such rateable value :

And from and after the said first day of January one thousand eight hundred and ninety-nine the Act of 1860 shall be read and have effect as if such rates had been mentioned therein in lieu of the rates mentioned in section 44 of that Act.

(2) From and after the said first day of January one thousand eight hundred and ninety-nine section 46 of the Act of 1860 shall be read and have effect as if the words "rateable value" had been inserted therein instead of the words "annual value or rent" wherever in that section such last-mentioned words occur.

(3) For the purposes of this section and of section 46 of the Act of 1860 the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force then by the last rate made for the relief of the poor :

Provided that when the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate (such part not being separately assessed to the poor rate) such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as herein-before mentioned such apportionment in case of dispute to be determined by two justices.

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21. Section 43 of the Act of 1860 shall be read and have effect as if the words "but need not be constantly laid on" had been omitted therefrom.

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As to
pressure.

22. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they may have already raised or are authorised to raise and may from time to time raise additional capital to such nominal amount as shall be sufficient to produce including the premiums if any which may be obtained on the sale thereof the sum of sixty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively but the Company shall not issue any share of less nominal value than five pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock (if such share or stock shall be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof.

Power to
raise addi-
tional capital.

23. Subject to the provisions of this Act the new capital created by the Company under this Act by shares or stock shall be part of the general capital of the Company and save as by this Act otherwise expressly provided the holders of shares or stock therein shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their shares or stock and be subject to the like provisions liabilities and forfeitures as the holders of shares or stock in the existing capital of the Company of the same class or description.

Incidents of
additional
capital.

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

Holders of
preference
capital not
to vote.

25. The Company shall not in any one year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Limit of
profit on
additional
capital.

26. In case in any half-year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rates of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Dividends
on different
classes of
ordinary
capital to be
paid propor-
tionately.

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Rochester Water Act, 1898.

A.D. 1898.
New shares
or stock to
be offered
by auction
or tender.

27. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall 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 reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company 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 bid or tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase-
money of
capital sold
to be paid
within three
months.

28. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice
to be given
as to sale
of shares
or stock.

29. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the city of Rochester and the town clerk of the borough of Chatham and to the clerk of every district council of any district wholly or partly included within the limits of the Company for the supply of water 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 once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply.

Shares or
stock not
sold by
auction or
by tender to

30. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the

holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always 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 by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act except that the reserved price put upon such shares or stock may upon such second auction or tender (if the directors of the Company think fit) be less than the nominal amount thereof and any shares or stock not then sold by auction or tender shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time.

A.D. 1898.
 be offered to
 share or
 stock
 holders.

31. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that for the purposes of (A) ascertaining the maximum amount of the reserved fund of the Company and (B) the amount which the Company may borrow under this Act the sums received by way of premium as aforesaid shall be reckoned as part of the nominal or paid-up capital of the Company.

Application
 of premium
 arising on
 issue of
 shares or
 stock.

32. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company 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 premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to
 borrow.

33. Section 10 of the Act of 1868 (Arrears may be enforced by appointment of a receiver) is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending

Appointment
 of receiver.

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A.D. 1898. at the passing of this Act And in lieu thereof the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver 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 thousand pounds in the whole.

Debenture stock.

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

Priority of mortgages and debenture stock over other debts.

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

Application of moneys.

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

Power to erect &c. cottages for officers and servants.

37. The Company may from time to time on any land for the time being belonging to them erect fit up maintain and let houses cottages and buildings for any officers and servants employed by the Company for the purposes of their undertaking.

As to supply by meter.

38. The Company may supply water by meter and may for that purpose manufacture purchase and sell as well as let for hire to any person supplied by them with water meters pipes fittings

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and apparatus and such letting for hire may be for such remuneration in money and on such terms with respect to repair of articles and fittings let and for securing the safety and return to the Company of such articles and fittings as the Company may prescribe or as may be agreed upon between the hirer and the Company. A.D. 1898.

39. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. Meters not to be disconnected &c. without notice.

40. Where water is supplied by measure the register of the meter shall be *prima facie* evidence of the quantity of water consumed. Any dispute as to such quantity shall be determined on the application of either party by a court of summary jurisdiction who may order by whom the costs of the proceeding shall be paid and the decision of such court shall be final and binding upon all parties. Meter to be evidence.

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

42. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly Repair of meters &c.

[Ch. xlvi.] *Brompton Chatham Gillingham and* [61 & 62 Vict.]
Rochester Water Act, 1898.

A.D. 1898. registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Where several houses supplied with water by one pipe each to pay.

43. Where several houses or parts of houses in the occupation of several persons are supplied with water 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 works of the Company by a distinct pipe.

Supply of water to tenements in a row.

44. Where there is a pair of tenements or there are several tenements in a row or group 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 Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Company not bound to supply several houses with water by one pipe.

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

Company shall not be bound to supply water in certain cases.

46. The Company shall not be compelled to supply with water (otherwise than by meter or special agreement) any building used as a dwelling house which or any part of which is used by the occupier thereof for any pursuit trade or manufacturing or business purpose for which water is required.

Company may remove water pipes &c. from unoccupied premises.

47. If and whenever any house building or premises which shall have been supplied with water by the Company shall be unoccupied for the space of three months or if a supply of water by meter is from any cause other than default of the Company discontinued for more than forty-eight consecutive hours the Company their agents servants or workmen after giving twenty-four hours' previous notice (in the case of unoccupied premises) to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his

usual place of abode or business be not known to the Company after inquiry by affixing the same for three days on some conspicuous part of such house building or premises or (in the case of occupied premises) to the occupier by leaving the same on the premises may enter into such house building or premises between the hours of ten o'clock in the forenoon and four o'clock in the afternoon and remove and carry away any pipe meter fittings or other works the property of the Company.

A.D. 1898.

48. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say) :—

Regulations
for pre-
venting
waste of
water.

- (1) The Company may make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus means contrivances receptacles or appliances whatsoever to be used on the premises supplied with water by them (which pipes and other things are in this section referred to as and included in the expression "fittings") and may forbid any arrangements or work and the use of any fittings which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :
- (2) No such regulations shall be of any force or effect except within the district in which the Company affords or is prepared on demand to afford constant supply or unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :
- (3) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to every sanitary authority within the Company's limits of supply and any such authority may within the said period of one month make such representations to the Local Government Board as they see fit :
- (4) A copy of all such regulations in force for the time being shall be kept at the office of the Company and all persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all

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regulations for the time being in force to every person applying for the same on payment of a sum not exceeding two pence for each copy :

- (5) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof :
- (6) Section 57 of the Waterworks Clauses Act 1847 shall extend to authorise any duly authorised officer or servant of the Company to enter any premises supplied with water by the Company within the district in which any such regulations are for the time being in force for the purpose of ascertaining whether such regulations are complied with and all fittings prescribed by such regulations are in proper repair and in case of the failure of any person to observe such regulations or to keep such fittings in proper repair the Company may after twenty-four hours' notice in writing enter such premises and by and under the direction of their duly authorised officer or servant provide and place or replace or alter any fittings therein so as to cause compliance with such regulations and may repair any fittings prescribed by such regulations which may be out of repair and the expense of such provision placing replacement alteration or repair shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water-rent is recoverable :
- (7) The Company may refuse to supply water to any person being about to become a customer of the Company in respect of any premises situate within the district in which the Company affords a constant supply and within which any such regulations are for the time being in force until such regulations are complied with :
- (8) Any person who shall fail to comply with or offend against any such regulations or shall wilfully or negligently cause or suffer any fittings prescribed by such regulations to be out of repair or shall hinder any officer or servant of the Company from entering any premises or doing any such works as aforesaid shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding

forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them. A.D. 1898.

49. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the principal office of the Company or be sent by post addressed to the secretary of the Company at that office. Notice of discontinuance.

50. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court. Recovery of demands under fifty pounds.

51. Any notice to be served by the Company on a person supplied with water shall be sufficiently authenticated by the name of the secretary of the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto or by a stamp and any such notice may be served on such person by delivering the same to or at the residence of such person or where such person is the owner or occupier of premises in respect of which the notice is given by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served by affixing the same on some conspicuous part of the premises or such notice may be served by post. Form and service of notices by Company.

52. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Company (except for the purpose of constructing and maintaining the aqueduct conduit or line of pipes by this Act authorised in manner by this Act provided and otherwise giving effect to the provisions of the section of this Act of which the marginal note is "For the protection of the Secretary of State for War") to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without Saving rights of Her Majesty's Principal Secretary of State for the War Department.

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A.D. 1898. — his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Company.

Expenses
of Act.

53. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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