

[2 EDW. 7.] *Margate Corporation (Water) Act, 1902.* [Ch. ccxxxiv.]



CHAPTER ccxxxiv.

An Act to empower the corporation of Margate to construct additional waterworks and to extend their limits for the supply of water and for other purposes. A.D. 1902.
[8th August 1902.]

WHEREAS the borough of Margate in the county of Kent is a municipal borough under the government of the mayor aldermen and burgesses of the borough of Margate (in this Act called "the Corporation"):

And whereas the Corporation are supplying water within the borough and the neighbourhood thereof and powers are conferred upon them in regard to such supply by the Margate Corporation Act 1900: 63 & 64 Vict. c. ccl.

And whereas the supply of water from the existing works of the Corporation is insufficient to satisfy the present and growing demands of the inhabitants within the limits of supply and it is expedient to empower the Corporation to construct the waterworks described or referred to in this Act and to make further provision as in this Act contained in regard to the water undertaking of the Corporation:

And whereas it is expedient to extend the limits of the Corporation for the supply of water so as to include certain parishes named in this Act:

And whereas the limits of the Canterbury Gas and Water Company for the supply of water authorised by the Canterbury Gas and Water Act 1866 comprise an area situate within the limits for the supply of water by the Corporation as extended by this Act but the said company are not at the present time supplying water within the said limits of the Corporation and it is expedient to repeal so much of the said Act as empowered that company to supply water within the last-named limits: 29 & 30 Vict. c. xcix.

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

[Price 1s. 9d.]

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And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

For and in connection with the purchase of lands	£
for and the construction of the waterworks authorised by this Act - - - - -	90,000
For the construction and laying down of additional works for the obtaining storage and supply of water and the extension and improvement of the water undertaking of the Corporation -	30,000

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the fifteenth day of October one thousand nine hundred and one after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Thanet Times a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eleventh day of February one thousand nine hundred and two being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference 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 or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are in this Act respectively 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

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PRELIMINARY.

1. This Act may be cited as the Margate Corporation (Water) Act 1902 and the Margate Corporation Act 1900 and this Act may be jointly cited as the Margate Corporation Acts 1900 and 1902.

Short and collective titles.

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

Incorporation of Acts.

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(a) The words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847;

(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

(2) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845.

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

Interpretation.

"The Corporation" means the mayor aldermen and burgesses of the borough of Margate;

"The borough" means the borough of Margate;

"The council" means the council of the borough;

"The town clerk" means the town clerk of the borough;

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the borough;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money (except any security of the Corporation) and any other mortgage bond debenture stock or other security authorised by or under any

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Act of Parliament passed or to be passed of any local authority as defined by section 34 of the Local Loans Act 1875 (except the Corporation) and except annuities rent-charges and securities payable to bearer ;

“The Act of 1900” means the Margate Corporation Act 1900.

EXTENSION OF LIMITS AND WORKS.

Extension of limits.

4.—(1) The limits of the Corporation for the supply of water shall extend to and include the parishes and part of a parish hereinafter mentioned (in this Act called “the added water limits”) in addition to the water limits authorised by the Act of 1900 and the Corporation may for the purposes of supplying water exercise within the added water limits the same powers as they are authorised to exercise within the limits prescribed by the Act of 1900.

(2) The added water limits shall comprise the parish of Monkton in the rural district of the Isle of Thanet the parishes of Chillenden Elmstone Goodnestone, Nonington Preston-next-Wingham Staple and Stourmouth in the rural district of Eastry and the parishes of Adisham Beakesbourne Bishopsbourne Bridge Iekham Littlebourne Patricbourne Wickhambreux and Womenswold in the rural district of Bridge all in the county of Kent and so much of the parish of Wingham in the said rural district of Eastry as does not comprise the village of Wingham being the part which is coloured red on the map (in this Act called “the signed map”) signed in triplicate by the Right Honourable Albert Edmund Earl of Morley the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred.

(3) Within two weeks after the passing of this Act one copy of the signed map shall be deposited in the Parliament Office of the House of Lords another copy shall be deposited in the Private Bill Office of the House of Commons and the third copy shall be deposited with the town clerk at his office.

(4) Copies of the signed map deposited with the town clerk in pursuance of this section certified by him to be true copies shall be received in all courts of justice and proceedings as *prima facie* evidence of the contents of such map.

(5) So much of the said parish of Wingham as is not comprised in the added water limits shall be deemed to be within the limits of this Act for the purposes of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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5.--(1) If at any time after the expiration of five years from the passing of this Act the Corporation are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of a district within the added water limits the local authority for such district may provide a supply in any part of their district within such limits in accordance with the provisions of the Public Health Acts 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 as if in either case this Act had not passed.

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Power to local authority &c. to supply water in case Corporation fail to supply.

(2) If any difference shall arise between the Corporation and any such local authority company body or person as to the sufficiency of the supply of water in any such district such difference shall be settled on the application of either party by the Local Government Board.

6.—(1) Subject to the provisions of this Act if at any time after the passing of this Act any local authority whose district contains any part of the added water limits shall give not less than six months' notice in writing to the Corporation of their desire to purchase such portion of the waterworks and plant of the Corporation as is contained within so much of the district of such local authority as contains any part of such limits and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the Corporation (except any waterworks or plant which the Corporation shall require for supplying with water any other part of the limits of the Corporation for the supply of water) and to supply water within so much of such district as aforesaid then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such local authority shall purchase the portion of the waterworks and plant of the Corporation (except as aforesaid) within so much of the district of such local authority as aforesaid at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts.

Sale of plant to local authorities.

(2) Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament.

(3) The Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act.

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(4) After the completion of such purchase all obligations on the part of the Corporation to supply water within so much of the district of the purchasing authority as aforesaid shall be transferred to and imposed upon such authority.

Power to
make works.

7. Subject to the provisions of this Act the Corporation may wholly in the county of Kent and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works shown on the deposited plans and sections (that is to say):—

Work No. 1 A pumping station with wells adits headings and other works and conveniences connected therewith to be situate in the parish of Wingham on the easterly side of the main road leading from Wingham to Adisham Station in the field numbered 7 on the $\frac{1}{2500}$ Ordnance map (second edition 1898) of the said parish :

Work No. 2 An adit or heading to be situate in the parishes of Wingham and Goodnestone driven in a north-easterly direction for a distance of one thousand six hundred and twelve yards or thereabouts commencing at Work No. 1 and terminating in the parish of Goodnestone in the field numbered 11 on the Ordnance map of that parish :

Work No. 3 An adit or heading to be situate in the parishes of Wingham and Adisham and driven in a north-westerly direction for a distance of one thousand six hundred and ten yards or thereabouts commencing at Work No. 1 and terminating in the parish of Wingham in the field numbered 23 on the Ordnance map of that parish :

Work No. 4 A conduit or line of pipes to be situate in the parish of Wingham commencing at Work No. 3 in the field numbered 19 on the said Ordnance map and terminating in a watercourse in the field numbered 64 on the said Ordnance map :

Work No. 5 A conduit consisting of one or more lines of pipes to be situate in the parishes of Wingham Elmstone Preston-next-Wingham Stourmouth Ash-near-Sandwich Monkton Acol Birchington Westgate-on-Sea Garlinge and Saint John the Baptist Margate commencing at Work No. 1 and terminating in the borough in the existing small high-service reservoir of the Corporation.

8. In the construction of the works authorised by this Act the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate from the levels shown on the deposited sections to any extent not exceeding in the case of the adits authorised by this Act twenty feet upwards and to any extent downwards and as to the other works authorised by this Act four feet upwards and to any extent downwards. Provided that except for the purposes of crossing over a stream no part of Works Nos. 4 and 5 shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

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Limits of
deviation.

9. Subject to the provisions and for the purposes of this Act the Corporation may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference and they may collect impound take use divert and appropriate for the purposes of their water undertaking all such springs and waters as will or may be intercepted by the works authorised by this Act or as may be found in on or under any of the lands for the time being belonging to the Corporation.

Power to
take land
and waters.

10.—(1) The Corporation may in lieu of acquiring any land for the purpose of the works authorised by this Act (other than Work No. 1) acquire such easements and rights in such lands as they may require for the purpose of making maintaining using cleansing repairing renewing and enlarging the said works or of obtaining access thereto 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 limited owners and 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 those Acts.

Power to
acquire ease-
ments only.

(2) Provided that as regards any lands taken or used by the Corporation for the purpose of such works where they are respectively laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements or rights 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 Corporation.

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(3) Provided also that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation 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 provision.

Period for compulsory purchase of lands.

11. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

12. If the works authorised by this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed. Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the conduits authorised by this Act lay down additional lines of pipes as and when occasion may require.

Restriction on taking houses of labouring class.

13.—(1) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions 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.

(3) For the purposes of this section—

The expression "house" means any house or part of a house occupied as a separate dwelling; and

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.

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14. The Corporation on selling any lands acquired by them in connection with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation of water rights &c. on sale.

15.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands in the parishes the whole or parts of which are comprised within the limits for the supply of water authorised by the Act of 1900 or within the added water limits and may hold such lands and any other lands which the Corporation may have acquired within those parishes so long as they shall deem it necessary or expedient for the purposes aforesaid Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to purchase and hold lands and exercise powers for protection of waters and water-works.

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

16. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the parishes referred to in the last preceding section of this Act with reference to the execution by the Corporation or such owners lessees

Power to agree as to drainage of lands &c.

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or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

Byelaws
for securing
purity of
water.

17.—(1) The Corporation may make byelaws for securing the purity of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers works and conveniences and make provision for the prevention of nuisances and for the prevention or regulation of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the lands situate within such distance not exceeding fifteen hundred yards from any well adit or other work from which water is obtained by the Corporation as may be prescribed by the byelaws.

(3) The provisions with respect to byelaws to be made by an urban authority contained in sections 182 to 185 of the Public Health Act 1875 shall apply to byelaws made by the Corporation under this section.

(4) All byelaws made under this section shall be subject to the approval of the council of every district comprising any part of the area within which it is proposed that they shall be in force Provided that such approval shall not be necessary where in the opinion of the Local Government Board it has been unreasonably withheld.

(5) One month at least before submitting any such byelaws to the Local Government Board for confirmation a copy thereof or of the draft byelaws shall be furnished to the Kent County Council and that council shall be entitled to lay before the Local Government Board any observations or objections respecting the same.

(6) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

(7) The Corporation shall not enforce any byelaw made under this section in the district of any district council if such council has any statutory or other powers to effect the purpose for which such byelaw is made unless such council shall within the period of twenty-one days refuse or neglect after being requested by the

Corporation by notice in writing so to do to enforce the said powers. A.D. 1902.

(8) The district council within whose district any works may be constructed under any byelaw made under this section shall not be bound to see to the maintenance thereof nor shall the same vest in the council.

18.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any conduit or adit authorised by this Act the Corporation may cause the water in such conduit or adit to be temporarily discharged into any available stream or watercourse. Powers for repair of aqueducts and temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

19. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads (whether within or without the limits within which the Corporation are empowered to supply water) of the conduits authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down for the purposes of their water undertaking : Application of Waterworks Clauses Act 1847 to conduits discharge pipes and telephones.

Provided that—

(1) Nothing contained in this section shall deprive the Corporation of the power conferred upon them by this Act to deviate from the lines of the said conduits as shown on the deposited plans beyond the boundaries of any street or road and within the limits of deviation shown on the deposited plans ;

(2) No telephonic or telegraphic apparatus made and maintained under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

20.—(1) If the council or other body charged with the maintenance or repair of any road other than a main road which the Corporation are by the Act of 1900 or by this Act authorised to open and break up for the purpose of their water undertaking shall Power for road authority to repair roads broken up by Corporation.

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at any time give notice to the Corporation of their desire to keep such road in repair after it has been made good by the Corporation the obligation imposed upon the Corporation by section 32 of the Waterworks Clauses Act 1847 to keep such road in good repair shall cease but the Corporation shall repay to such council or other body all expenses reasonably incurred by them in the keeping in good repair so much of the road as shall have been broken up by the Corporation for the period of three months after it has been made good by the Corporation and for such further period (if any) not being more than twelve months in the whole as the soil so broken up shall continue to subside.

(2) If any question or difference shall arise under this section between the Corporation and any such council or other body that question or difference shall be determined by arbitration the arbitrator being (in default of agreement) appointed by the Board of Trade.

As to repair
of main
roads.

21.—(1) Whenever the Corporation shall exercise the power conferred by the Waterworks Clauses Act 1847 of breaking up any main road within their limits of supply but beyond the borough for the purpose of laying repairing or removing pipes the Corporation shall as soon as the work is completed fill in the trenches and forthwith notify the Kent county surveyor thereof and the road or footpath shall thereupon be reinstated and made good by the said surveyor and all expenses properly incurred by such surveyor in reinstating and making good the said road or path for a period of not more than three months from the time when the said surveyor shall have been so notified as aforesaid and for the further period (if any) not being more than twelve months in the whole from such time during which the soil so broken up shall continue to subside shall be paid by the Corporation to the Kent County Council.

(2) The obligations of this section shall in regard to the said main roads be instead of the obligations imposed upon the Corporation by section 32 of the Waterworks Clauses Act 1847 to reinstate and make good the road or footpath broken up and to keep the same in repair.

(3) If any question or difference shall arise under this section between the Corporation and the said county council or county surveyor that question or difference shall be determined by arbitration the arbitrator being (in default of agreement) appointed by the Board of Trade.

For pro-
tection of
main roads
and county
bridges.

22. If any alteration repair or improvement of any of the bridges or roads repairable by the Kent County Council or any alteration of or in the position of the same necessitates any

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alteration either temporary or permanent in the level or position of any of the works by this Act authorised to be made or placed in over or through any of the bridges or roads aforesaid or necessitates any support either temporary or permanent to any such works the Corporation shall after fourteen days' notice in writing by the county surveyor on behalf of the said county council forthwith make such alteration or afford such support at their own expense. A.D. 1902.

23. Nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any and hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the King's Majesty. Saving
rights of
Crown.

24. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily. Works
below high
water mark
not to be
commenced
without
consent of
Board of
Trade.

25. As regards the crossing of any sewer or stream within the limits of the Commission of Sewers in the eastern parts of the For pro-
tection of
Commis-

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Commissioners of
Sewers for
the several
limits in the
eastern parts
of county of
Kent.

county of Kent any water mains and any lattice or other girder to be used or constructed for the purpose of carrying any water mains over the River Stour shall be constructed and maintained at such a height as to give a clearance of at least twenty feet six inches between the river bed and the under side of such mains lattice or girder Any embankment to be made within such limits by which any sewer or any part thereof shall be liable to be affected and all arches or girders to be made over the said river or other sewer within the said limits shall be made and constructed to the reasonable satisfaction of the Commissioners of Sewers acting for the several limits in the eastern parts of the county of Kent and under the inspection and to the reasonable satisfaction of the engineer or surveyor for the time being of the said commissioners and so as not to injure or obstruct the free passage of the water in the said sewers or any of them.

For pro-
tection of
South
Eastern
Railway
Company
London
Chatham and
Dover Rail-
way Com-
pany and
South
Eastern and
Chatham
Railway
Companies'
Managing
Committee.

26. For the protection of the South Eastern Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee (hereinafter respectively referred to as "the railway company") the following provisions shall (unless otherwise agreed) apply and have effect (that is to say):—

(1) 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 Act 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 railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by such engineer in writing Provided that if for one month after such plans have been submitted to such engineer he shall fail to express his disapproval thereof and his requirements in regard thereto he shall be deemed to have approved thereof:

(2) All such works shall be done by and at the expense of the Corporation (except as in this section otherwise provided) 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 railway company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Corporation Provided always that should the railway company elect so to do where any mains or pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the reasonable costs charges and expenses of the Corporation :

- (3) 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 :
- (4) 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 lands works or property of the railway company the Corporation shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :
- (5) If the Corporation lay down any mains or pipes in or under any embankment or over any bridge tunnel or viaduct of the railway company they shall provide and maintain such stop cocks on either side of such embankment bridge tunnel or viaduct as in the reasonable opinion of the engineer of the railway company shall be necessary :
- (6) The Corporation shall acquire only such an easement or right across over or under any of the railways works or property of the railway company as may be necessary for constructing altering improving enlarging extending maintaining renewing and using any of the works of the Corporation and for obtaining access thereto and shall pay to the railway company for any such easement or right 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 Acts with respect to the acquisition of lands otherwise than by agreement and the easement or right so to be taken shall be deemed to be lands so far as respects

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the proceedings for the acquisition thereof and also for the purposes of such arbitration :

(7) If the railway 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 Corporation may have been constructed or laid the railway company may on giving to the Corporation one month's 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 on giving the longest notice practicable divert support or carry the said works of the Corporation 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 of such diversions supporting carrying or dealing with such works Provided that any such works shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the Corporation and that the railway company shall not interrupt or impede the supply of water for a longer period than absolutely necessary :

(8) Except as in this section otherwise provided any dispute or difference which may arise between the railway company and the Corporation 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 railway company and the Corporation or either of them.

For protection of East Kent Water Company.

27. Nothing contained in this Act shall prejudice any rights now vested in the East Kent Water Company in regard to the laying down of mains and the supplying of water within the parishes of Goodnestone Nonington Adisham Stourmouth Preston Elmstone Chillenden Staple and Womenswold but that company shall not sink construct or use any wells adits or other similar works or take or intercept any springs or waters by means of any works within the said parishes without the consent in writing of the Corporation.

For protection of Westgate

28. Nothing in this Act contained shall authorise the Corporation to supply water within the limits of the Westgate

[2 EDW. 7.] *Margate Corporation (Water) Act, 1902.* [Ch. ccxxxiv.]

and Birchington Water Company as defined in section 4 of the Westgate and Birchington Water Act 1900 or to interfere with the mains of that company in the several parishes of Acol Birchington and Westgate-on-Sea or any of them without the consent of that company.

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and Birchington Water Company.

29. For the protection of Francis George Prescott Philips and William Silverwood Cope (trustees of the real estates settled by the will of Francis Philips deceased) and of Anita Constance Edith Philips or other the owner or owners for the time being of the Lee Priory estate (hereinafter referred to as "the owner") the following provisions shall notwithstanding anything herein or in any other Act contained have effect (that is to say):—

For protection of owner of Lee Priory estate.

(1) The Corporation shall within six months from the time when they first commence to supply water from Work No. 1 by this Act authorised lay down and for ever after maintain and keep in repair at their own expense mains sufficient for the supply of and shall supply sufficient water for all purposes under a pressure adequate to reach the uppermost floors of all existing houses upon the Lee Priory estate or any other houses or buildings which may be erected on and for the use of the same as a private residential estate as at present within the boundaries thereof as defined upon the plan signed in duplicate by the engineers respectively of the Corporation and the owner. Such water shall be supplied at the pressure aforesaid at rates not exceeding three and a half per centum on the gross estimated rental for domestic purposes and ninepence per thousand gallons by measure (except as hereinafter provided) all meters and house connections being provided and paid for by the owner :

(2) The owner shall grant to the Corporation an easement over such portion of the Lee Priory estate as may be necessary for the purpose of laying the water main shown by a dotted line on the hereinbefore mentioned plan between the points thereon respectively marked A and B with right of access thereto for repairing or tapping the same. The said main shall be laid at the expense of the Corporation with all requisite hydrants and shall be carried over the Little Stour River to the reasonable satisfaction of the engineer for the time being to the said estate and all the works shall be executed in accordance with plans drawings and specifications previously submitted to and reasonably approved by him but such approval shall not be unreasonably or vexatiously withheld and the Corporation

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shall pay the reasonable expenses of the owner for granting such easement and approving such works :

- (3) The Corporation shall not abstract or divert any water flowing on the surface of the Lee Priory estate :
- (4) If at any time the supply of water from the wells watering places pumps or ponds on or adjacent to the Lee Priory estate shall be prejudicially affected through the exercise by the Corporation of the powers conferred upon them by this Act or by any future works executed by them then a supply of water for all purposes equivalent in quantity and quality to the supply at present enjoyed from the existing sources of supply shall forthwith be provided and for ever maintained by the Corporation free of all costs and charges to the owner at the point or points on the said estate where such injurious affection shall have occurred :
- (5) Such supply of water shall be settled by the engineers for the time being of the Corporation and of the owner or in default of agreement between them by arbitration as hereinafter provided and in the case of watering places or ponds shall be given by troughs or standpipes and the Corporation shall pay the reasonable fees of the owner's engineer for settling such supply :
- (6) No well or adit other than the works shown upon the deposited plans shall be constructed now or at any future time within a distance of two miles from the nearest boundary of the Lee Priory estate measured in a direct line without the previous consent in writing of the owner of the said estate nor shall the works shown upon the deposited plans at any time be sunk deeper or extended nearer to the said estate than the depth and extent shown upon the deposited plans without the like consent but in neither case shall such consent be unreasonably or vexatiously withheld :
- (7) During the construction and immediately upon completion of each of the Works No. 1 No. 2 and No. 3 by this Act authorised all necessary facilities shall be afforded by the Corporation to the owner and his engineers to inspect measure and ascertain the depth dimensions length and direction of the said works :
- (8) If at any time the Corporation shall be desirous of extending the adits (Works No. 2 and No. 3) by this Act authorised or of constructing additional or substituted adits or works notice in writing thereof shall be given to the owner and before commencement of the works copies of the plans and specifications

of any such works shall be supplied to such owner who or whose engineer shall be at liberty to inspect and make copies thereof and the Corporation shall during construction and immediately on completion of the works give the owner or his engineers all facilities to inspect measure and ascertain the depth length and dimensions of such additional or substituted adits or works : A.D. 1902.

(9) The Corporation shall make good to the reasonable satisfaction of the owner all damage to roads bridges and land occasioned by entry and construction of works on the Lee Priory estate and pay full compensation in money to the owner and to the tenants of the said estate for damage or injury to them by reason of the same but no payment shall be made to the owner for granting such easement :

(10) If at any time the Corporation shall fail to give an adequate supply of water to the Lee Priory estate as by this section provided they shall pay full compensation in money to the owner and to the tenants of the said estate in respect of such failure :

(11) Any difference which may arise between the owner or the tenants on the said estate and the Corporation as to whether the water supply to the said estate has been diminished or prejudicially affected or as to any matter under this section shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

30. The Corporation shall not sink any wells or construct any adits or other similar works for obtaining a supply of water in the parish of Monkton and nothing in this Act shall prevent the Isle of Thanet Rural District Council from sinking wells constructing adits and the carrying out of other works in the parish of Monkton for the obtaining and distribution of a supply of water for the whole or any part of the rural district of the Isle of Thanet and the levying of charges therefor Provided always that the said rural district council shall not supply water in the parish of Monkton without first exercising their powers of purchase under this Act. For protection of Isle of Thanet Rural District Council.

31. Except in so far as may be otherwise agreed between the Corporation and the Eastry Rural District Council (in this section referred to as "the council") the following provisions shall apply and have effect (that is to say) :— As to supply within rural district of Eastry.

(1) When the Corporation are in a position to supply water within the borough by means of the works authorised by this Act and so long as such works shall be used for supplying water within the borough the Corporation shall supply to the

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council such quantity of water as they may require for the supply of the inhabitants of that part of the parish of Wingham which is coloured red on the signed map upon and subject to the terms and conditions following (that is to say) :—

- (A) The quantity of water with which for the purposes of this subsection the council shall be supplied every day shall be not more than is required to supply the inhabitants of the said part of the parish of Wingham for purposes other than for manufactures ;
 - (B) The water shall be supplied to the council from the main of the Corporation through a junction to be fixed at some point to be agreed upon or failing agreement to be determined by arbitration as hereinafter provided and shall be measured by means of a meter to be fixed at such junction as near to the main of the Corporation as practicable. Such junction meter and any other works required shall be provided fixed and maintained and when necessary renewed by the Corporation and the meter shall be open to the inspection of both parties ;
 - (C) When the quantity of water supplied to the council in any year does not exceed three million gallons such water shall be supplied free of cost and when it exceeds that amount the council shall pay to the Corporation for all water in excess of such amount at the rate of threepence per thousand gallons. Such payments shall be made within one month after the delivery of the yearly account for water supplied and the Corporation shall have for the recovery thereof all and the same remedies as they have for the recovery of water rents ;
 - (D) The Council shall take such steps as shall be reasonably necessary to prevent the waste of water supplied by the Corporation in pursuance of this section and in default thereof the Corporation shall be entitled to exercise and enforce in such portion of the parish of Wingham the same powers as to waste of water as they are entitled to exercise in the other parts of their water limits ;
 - (E) Subject to the provisions of this section the terms and conditions of the supply shall unless otherwise agreed be determined by arbitration :
- (2) The Corporation shall at any time after they are in a position to supply water within the borough by means of the works authorised by this Act lay down mains in any part of the parishes in the rural district of Eastry which are comprised

within the added water limits upon being requested so to do by the council and upon the council or any owners or occupiers of lands and houses entering into an agreement with the Corporation satisfactorily guaranteeing that there shall be paid for a period of ten years from the date of the laying of the required mains a sum equal to ten per centum per annum upon the cost of providing and laying down such mains but no guarantee shall be required so far as the supply to the villages of Preston Stourmouth and Elmstone is concerned :

- (3) The rate payable for the supply of water for domestic purposes to any premises within so much of the parish of Wingham as is comprised within the added water limits shall not exceed five per centum per annum upon the gross estimated rental of the premises so supplied ascertained in the manner provided by section 11 of the Act of 1900 and the rate payable for the supply of water for domestic purposes to any premises within the parts of the parish of Nonington known as Ratling Old Park and Old Court shall not exceed three and a half per centum per annum upon the gross estimated rental of the premises supplied :
- (4) All the mains laid down by the Corporation within so much of the added water limits as is comprised within the rural district of Eastry shall (except where it is not practicable) be laid down at a depth of not less than three feet from the surface of the ground to the upper circumference of the main :
- (5) If during the construction of the works authorised by this Act the council shall be unable to supply by reason of the failure of their source of supply the whole or any part of so much of the parish of Wingham as is coloured red on the signed map the Corporation shall take such steps as may be reasonably necessary to provide a supply :
- (6) If the council shall exercise the powers conferred upon them by the section of this Act whereof the marginal note is "Sale of plant to local authorities" the price to be paid for the waterworks purchased by them shall be the sum which shall have been expended by the Corporation in connection with the purchase of any land or easements for and the construction of such waterworks and the Corporation shall thereafter supply to the council and the council shall take from the Corporation such quantity of water as may be reasonably required for the supply of so much of the rural district of Eastry as is by this Act included within the added water limits upon and subject to such terms and conditions as failing agreement may be

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determined by arbitration. Provided that unless otherwise agreed the price of water so supplied shall be ninepence per thousand gallons:

- (7) For the purpose of enabling the council to carry out the provisions of this section the purposes thereof shall be deemed to be purposes of the Public Health Acts:
- (8) If any question or difference shall arise under this section between the Corporation and the council the same shall be determined by an arbitrator appointed (in default of agreement) by the Local Government Board.

As to supply
within rural
district of
Bridge.

32. Notwithstanding anything contained in this Act the following provisions shall apply to the supply of water by the Corporation within the parishes of the rural district of Bridge which are comprised within the added water limits (namely):—

- (1) The Corporation shall not supply water within the borough by means of the works authorised by this Act until they have laid down water mains in the roads coloured green on the signed map in the parishes of Adisham and Womenswold and are prepared to supply water by means of such mains:
- (2) Within five years from the passing of this Act the Corporation shall lay down a water main in the roads coloured yellow on the signed map in the parishes of Beakesbourne Bishopsbourne Bridge Ickham Littlebourne Patrixbourne and Wickhambreux:
- (3) In addition to the mains to be laid down by the Corporation under the foregoing provisions of this section they shall at any time after they are in a position to supply water by means of the works authorised by this Act lay down mains in any part of the parishes in the rural district of Bridge which are comprised within the added water limits upon being required so to do by any owners or occupiers of land and houses in such part. Provided that no such requisition shall be binding upon the Corporation unless the persons by whom it is signed will bind themselves to take or will guarantee that there shall be taken a supply of water for a period in the case of the parish of Adisham of five years and in the case of any other parish of ten years of such an amount in the aggregate as will at the rates charged by the Corporation in pursuance of this Act produce annually a sum not less than ten per centum upon the expense of providing and laying down such additional mains:
- (4) The annual rate payable for the supply of water for domestic purposes to any premises within the said parishes of the rural district of Bridge shall not exceed seven per centum upon the gross estimated rental of the premises so supplied ascertained

in the manner provided by section 11 of the Act of 1900 and the price charged by the Corporation for the supply of water by measure within the said parishes shall not exceed one shilling and sixpence per thousand gallons. Provided that in the parish of Adisham the said rate shall not exceed three and a half per centum upon such rental and the said price shall not exceed ninepence per thousand gallons:

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(5) The section of this Act whereof the marginal note is "Sale of plant to local authorities" shall not apply to any waterworks or plant of the Corporation within the rural district of Bridge.

33. The rates charged by the Corporation for the supply of water for domestic purposes to premises within such of the parishes of the rural district of Eastry and of the rural district of the Isle of Thanet as are comprised within the added water limits shall not exceed those charged within the borough under similar circumstances.

Water rates in rural districts of Eastry and Thanet.

34. The works authorised by this Act shall be part of the water undertaking of the Corporation and the provisions relating to that undertaking contained in the Act of 1900 shall so far as they are applicable and subject to the provisions of this Act extend and apply to the said works as if they had been part of the then existing works the maintenance of which was authorised by that Act.

Works to form part of existing undertaking.

35. When and so long as the Corporation obtain an adequate supply of water of suitable quality by means of the works authorised by this Act they shall not supply water for domestic purposes obtained from the well of the Corporation at Tivoli in the borough.

Use of Tivoli works to be discontinued.

36. The provisions of the Canterbury Gas and Water Act 1866 so far as they relate to the supply of water within the area comprised within the limits within which the Corporation are by this Act authorised to supply water and within the remaining portion of the parish of Wingham are hereby repealed and the Canterbury Gas and Water Company shall not supply water within those limits or within the remaining portion of the said parish of Wingham.

Partial repeal of certain Acts.

FINANCIAL AND MISCELLANEOUS.

37.—(1) The Corporation may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

Power borrow

(A) For and in connection with the purchase of lands for and the construction of the waterworks authorised by this Act the sum of ninety thousand pounds;

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(B) For the construction and laying down of additional works for the obtaining storage and supply of water and the extension and improvement of the water undertaking of the Corporation the sum of thirty thousand pounds;

(c) For paying the costs and expenses of this Act as hereinafter provided the sum requisite for that purpose:

And with the consent of the Local Government Board such further money as may be necessary for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the revenue of the water undertaking of the Corporation and the district fund and general district rate or either of such securities. Provided that the provisions of this subsection shall not limit the power conferred upon the Corporation by the Act of 1900 to issue one form of mortgage charging the whole of their revenues.

Periods for
repayment
of money
borrowed.

38. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to money borrowed for the purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within sixty years from the date or dates of the borrowing of the same:

As to money borrowed for the purposes (B) in the said section mentioned within fifty years from the date or dates of the borrowing of the same:

As to money borrowed for the purpose (c) in the said section mentioned within five years from the date or dates of the borrowing of the same:

As to money borrowed with the consent of the Local Government Board within such period as that Board may sanction.

Mode of
payment off
of money
borrowed.

39. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made. Provided that in respect of moneys not exceeding the said sum of ninety thousand pounds borrowed for the purchase of the lands for and the construction of the waterworks authorised by this Act it shall not be obligatory

upon the Corporation to pay such first instalment or make such first payment to the sinking fund until the completion of the works in respect of which the money is borrowed or until the expiration of two years from the passing of this Act (whichever shall be the earlier). A.D. 1902.

40. The following sections of the Act of 1900 shall apply for the purposes of this Act as if the same were re-enacted therein (namely):— Application of provisions of Act of 1900.

- Section 45 (Persons under disability may grant easements &c.).
- Section 48 (Power to retain sell &c. lands).
- Section 49 (Proceeds of sale of surplus lands).
- Section 75 (Certain regulations of Public Health Act 1875 as to borrowing not to apply).
- Section 76 (Mode of raising money).
- Section 77 (Provisions of Public Health Act as to mortgages to apply).
- Section 80 (Sinking fund).
- Section 81 (Protection of lender from inquiry).
- Section 82 (Corporation not to regard trusts).
- Section 83 (Appointment of receiver).
- Section 84 (Power to reborrow).
- Section 85 (Return respecting sinking fund to Local Government Board).
- Section 87 (Application of money borrowed).
- Section 88 (Expenses of execution of Act).
- Section 112 (Inquiries by Local Government Board).
- Section 113 (Authentication and service of notices).
- Section 116 (Recovery of penalties &c.).
- Section 117 (Informations by whom to be laid).
- Section 118 (Penalties to be paid over to the treasurer).
- Section 119 (Judges not disqualified).

41. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys borrowed under the provisions of this Act. Costs of Act.

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