

**CHAPTER cxxvi.**

An Act to authorise the urban district council of Broadstairs and St. Peter's to construct additional waterworks and to confer on the Council further powers in relation to their waterworks undertaking and for other purposes. A.D. 1907.

[9th August 1907.]

WHEREAS the urban district council of the urban district of Broadstairs and St. Peter's in the county of Kent (hereinafter referred to as "the Council") are the owners of a waterworks undertaking with the power and duty of supplying water within the urban district of Broadstairs and St. Peter's and the parish of St. Peter Extra in the rural district of the Isle of Thanet all in the county of Kent:

And whereas the existing resources of the Council are inadequate to meet the increasing demand for water:

And whereas the mayor aldermen and burgesses of the borough of Margate (hereinafter referred to as "the corporation") are supplying water within the borough of Margate and the neighbourhood thereof from works including a pumping station known as the Wingham Pumping Station authorised by the Margate Corporation (Water) Act 1902:

And whereas the corporation have agreed to give to the Council and the Council have agreed to take from the corporation a supply of water on the terms and conditions set forth in the agreement contained in the schedule to this Act and it is expedient that the said agreement should be confirmed and made binding on the corporation and the Council:

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— And whereas it is expedient to authorise the Council to acquire the additional lands and to construct the additional waterworks in this Act described :

And whereas the Council have caused to be prepared estimates showing that they will or may require to borrow the following sums for the following purposes (that is to say) :—

For the purchase of lands and for the execution of the works by this Act authorised the sum of twelve thousand one hundred pounds ;

For new mains extensions of mains service pipes and meters the sum of five thousand pounds :

And whereas the works mentioned in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas it is expedient to make the other provisions which this Act contains :

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

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-sixth day of November one thousand nine hundred and six after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in Keble's Margate and Ramsgate Gazette a local newspaper circulating in the district 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 Keble's Margate and Ramsgate Gazette 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 seven being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands by this Act authorised to be acquired and books of reference containing the names of the owners or reputed owners and lessees or reputed lessees and 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 and the additional 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):—

PART I.

PRELIMINARY.

1. This Act may be cited as the *Broadstairs and St. Peter's Urban District Water Act 1907.* Short title.

2. This Act is divided into Parts as follows:—

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Waterworks.

Part IV.—Supply of Water.

Part V.—Finance.

Part VI.—Miscellaneous.

3. 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; and

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—

(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) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but such provisions shall only apply to the waterworks by this Act authorised to be constructed and in construing such provisions "the company" shall mean the Council and "the railway" shall mean the waterworks by this Act authorised).

Interpreta-
tion.

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

And in this Act—

"Waterworks" and "waterworks undertaking" respectively mean and include the waterworks and works connected therewith of the Council established or provided under the Act of 1901 and existing at the passing of this Act and all waterworks which may hereafter be constructed or acquired under any of the powers contained in this Act;

"The Act of 1901" means the Broadstairs and St. Peter's Water and Improvement Act 1901.

Confirming
scheduled
agreement.

5.—(1) The agreement made between the corporation of the one part and the Council of the other part as set forth in the schedule to this Act is hereby confirmed and made binding on the corporation and on the Council.

(2) Notwithstanding anything contained in this Act the Council shall not enter upon take or use or make or maintain any works upon any lands of the corporation without their consent except that the Council may lay and maintain the line of pipes (Work No. 2A) on the property numbered 2 on the additional deposited

plans in accordance with and during the continuance of the agreement referred to in subsection (1) of this section and subject in all respects to the provisions of such agreement. A.D. 1907.

PART II.

LANDS.

6. Subject to the provisions of this Act the Council may enter on take and use all or any part of the lands delineated on the deposited plans and the additional deposited plans and described in the deposited book of reference and the additional deposited book of reference which they require for the purposes of the waterworks undertaking. Power to acquire lands.

7.—(1) The Council may in lieu of acquiring any lands for the purpose of the conduits or lines of pipes authorised by this Act acquire such easements and rights in such lands as they may require for the purpose of making maintaining cleansing repairing renewing and enlarging the conduits or lines of pipes 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 easements only for conduits.

(2) Provided that as regards any lands taken or used by the Council for the purpose of such conduits or lines of pipes where they are respectively laid underground the Council 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 Council.

(3) Provided also that (except as to lands forming part of a street) nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which

A.D. 1907. the owner in his particulars of claim shall require the Council 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 contain or be endorsed with notice of this provision.

Correction of errors &c. in deposited plans and books of reference.

8. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or on the additional deposited plans or specified in the deposited book of reference or in the additional deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the clerk to the council of the urban district or the parish as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference or the additional deposited plans and book of reference as the case may be shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

9. The powers of the Council 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.

Application of provisions as to lands and works of Act of 1901.

10. The following sections of the Act of 1901 shall with any necessary modification extend and apply to the exercise of the powers of this Act in the same manner as if those sections had been re-enacted in this Act:—

- Section 24 (Power to take easements &c. by agreement);
- Section 26 (Power to sell &c. lands);
- Section 27 (Reservation of water rights &c. on sale);
- Section 28 (Application of moneys from sale &c. of lands).

PART III.

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WATERWORKS.

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

Power to
make works.

Work No. 2A A line or lines of pipes commencing at or near to the existing Fleete Reservoir of the corporation in the parish of Garlinge passing through the parish of St. Lawrence Extra and terminating in the parish of St. Peter Extra by a junction with Work No. 3 on the highway between Haine and Westwood at a point thereon 300 yards or thereabouts measured in a south-westerly direction from the centre of the bridge carrying the said road over the Margate Branch of the South Eastern Railway near Westwood Lane:

Work No. 3 A line or lines of pipes commencing by a junction with Work No. 2A at its point of termination and terminating in the parish of St. Peter Extra in the Isle of Thanet Rural District in enclosure No. 82 on the $\frac{1}{2500}$ Ordnance map (second edition 1898) of the parish of St. Peter Extra in the tower (Work No. 4) next hereinafter described:

Work No. 4 A tower and tank to be situate in the said parish of St. Peter Extra in the enclosure No. 82 on the $\frac{1}{2500}$ Ordnance map (second edition 1898) of the said parish of St. Peter Extra.

12. The Council in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such pipes conduits culverts drains sluices byewashes water towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches buildings engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall

Power to
make sub-
sidiary
works.

A.D. 1907. — exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

13. In the construction of the works authorised by this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and additional deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections and additional deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works.

14. If the works authorised by this Act are not completed within two years from the passing of this Act the powers by this Act granted for the making thereof and otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Council from extending enlarging deepening or increasing the number or altering or removing any of their engines machinery wells shafts drifts adits standages mains or pipes at any time and from time to time as the Council may think fit for the purposes of the waterworks undertaking.

Powers for repairs of aqueducts and temporary discharge of water into streams.

15. For the purpose of executing any necessary work of repair or of cleansing or of examining any aqueduct conduit or other works by this Act authorised or the existing or authorised reservoirs and works of the Council the Council may cause the water in any such reservoir aqueduct conduit or works to be temporarily discharged into any available stream or watercourse.

In the exercise of the power conferred by this section the Council shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

Limiting powers of Council to

16. The Council shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired

by them after the passing of this Act unless the works and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament. A.D. 1907.
abstract
water.

17. The waterworks by this Act authorised to be constructed shall form part of the waterworks undertaking and the Council may use the water collected diverted and impounded by means of the same for the purpose of supplying water under this Act and the Act of 1901 and any Act amending the same respectively. New water-
works to be
part of
undertaking.

18. For the protection of the South Eastern 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):— For pro-
tection of
South East-
ern Railway
Company
and South
Eastern and
Chatham
Railway
Companies'
Managing
Committee.

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of the line or lines of pipes (Work No. 3) upon across over under or adjoining or in any way affecting the bridge and its approaches carrying Haine Road over the railway 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:

(B) All such works shall be done by and at the expense of the Council (except as in this section otherwise provided) who shall also restore and make good to the reasonable satisfaction of the said engineer the road over such bridge or the approaches thereto so far as the same may be disturbed or interfered with by or owing to any operations of the Council:

(c) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to

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cause as little injury as may be to such bridge and approaches and so as to cause no interruption to the passage or conduct of traffic over the railway :

- (D) In laying down the said line or lines of pipes upon across under or over such bridge the Council shall provide and maintain such stop-cocks on either side of such bridge as in the opinion of the engineer of the railway company shall be necessary :
- (E) 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 the said line or lines of pipes on under or near to such bridge or the works or property of the railway company the Council 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 :
- (F) The Council shall acquire only such an easement or right across over or under the railway works or property of the railway company as may be necessary for constructing altering improving enlarging extending maintaining or renewing the said line or lines of pipes (Work No. 3) 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 the proceedings for the acquisition thereof and also for the purposes of such arbitration :
- (G) If the railway company at any time or times hereafter require to alter or repair the said bridge upon across over or under which the said line or lines of pipes may have been constructed or laid the railway company may on giving to the Council 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 line or lines of pipes across over or under their railway 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 diversion 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 Council and that the railway company shall not interrupt or impede the supply of water for a longer period than shall be absolutely necessary :

- (H) Except as in this section otherwise provided any dispute or difference which may arise between the railway company and the Council 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 President of the Institution of Civil Engineers on the application of the railway company and the Council or either of them.

PART IV.

SUPPLY OF WATER.

19.—(1) Section 34 (Rates for supply of water for domestic purposes) and section 35 (Rates for waterclosets and baths) of the Act of 1901 are hereby repealed and from and after the passing of this Act the Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Act of 1901 or this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding seven pounds and ten shillings per centum upon the gross estimated rental of the premises so supplied.

(2) The gross estimated rental of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if

A.D. 1907. — there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the gross estimated rental of a part only of any hereditament entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of the Act of 1901 a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Power to
sell or let
meters &c.

20. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Council to let for hire any water fittings to any person supplied by them with water.

PART V.

FINANCE.

Power to
borrow.

21.—(1) The Council may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under any public general Act borrow at interest for the purposes undermentioned the following sums (that is to say):—

- (i) For the purchase of land and for the execution of the works by this Act authorised the sum of twelve thousand one hundred pounds;
- (ii) For new mains extensions of mains service pipes and meters the sum of five thousand pounds;
- (iii) To pay the costs and expenses of this Act as hereinafter provided the sum requisite for that purpose:

And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or otherwise in relation to the waterworks undertaking of the Council. A.D. 1907.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of the waterworks undertaking and the district fund and general district rate of the district.

22. The Council shall pay off all moneys borrowed by them under this Act within the respective periods following which shall be the prescribed periods within the meaning of section 112 of the Act of 1901 and of the section of this Act whereof the marginal note is "Power to reborrow" (that is to say):— Period for discharge of borrowed moneys.

As to moneys borrowed for the purposes (i) and (ii) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within thirty years of the date or dates of borrowing the same:

As to moneys borrowed for the purpose (iii) in the said section mentioned within five years from the passing of this Act:

As to moneys borrowed with the approval of the Local Government Board within such period as they may respectively think fit to sanction.

23. The Council 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 or by means of a sinking fund or partly by such instalments and partly by a sinking fund Provided that it shall not be obligatory to commence such repayments by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund in respect of moneys borrowed under paragraph (1) of the section of this Act of which the marginal note is "Power to borrow" until after the expiration of two years from the passing of this Act. Mode of payment off of money borrowed.

24.—(1) The Council may except as hereinafter provided reborrow for the purpose of paying off any moneys borrowed or reborrowed under this Act or under the Act of 1901 which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary Power to re-borrow.

A.D. 1907. application of funds at the disposal of the Council within twelve months before the reborrowing and which at the time of the repayment it was intended to reborrow Provided that the Council shall not have power to reborrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys reborrowed shall be deemed to form the same loan as the money for the repayment of which the reborrowing has been made and shall be repaid within the prescribed period.

(2) Section 114 of the Act of 1901 is hereby repealed.

Application
of certain
provisions of
Act of 1901.

25. The following sections of the Act of 1901 shall with any necessary modifications apply for the purposes of this Act as if they were herein re-enacted (that is to say):—

- Section 107 (Mode of raising money);
- Section 108 (Certain regulations of Public Health Acts as to borrowing not to apply);
- Section 109 (Provisions of Public Health Act as to mortgages to apply);
- Section 112 (Regulations as to sinking fund);
- Section 113 (Return respecting sinking fund to Local Government Board);
- Section 115 (Council not to regard trusts);
- Section 116 (Protection of lender from inquiry);
- Section 117 (Saving for existing charges);
- Section 118 (Application of borrowed moneys);
- Section 120 (Application of water revenues);
- Section 136 (Power to Local Government Board to direct inquiries).

PART VI.

MISCELLANEOUS.

Recovery of
penalties.

26. All offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and

recovered in a summary manner Provided that costs or expenses A.D. 1907.
except such as are recoverable along with a penalty shall not
be recovered as penalties but may be recovered summarily as
civil debts.

27. Any person deeming himself aggrieved by any conviction Appeal.
or order of a court of summary jurisdiction under any provision
of this Act may appeal to the next practicable court of quarter
sessions under and according to the provisions of the Summary
Jurisdiction Acts.

28. Nothing in this Act affects prejudicially any right power Crown
privilege or exemption of the Crown. rights.

29. The costs charges and expenses preliminary to and of Costs of Act.
and incidental to preparing obtaining and passing this Act as
taxed by the taxing officer of the House of Lords or of the House
of Commons shall be paid by the Council out of the moneys to
be borrowed by the Council under this Act but may in the first
instance be paid by the Council out of any of their rates or funds
and moneys so paid may be recouped and charged to the moneys
to be borrowed under this Act.

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The SCHEDULE referred to in the foregoing Act.

AN AGREEMENT made the twenty-second day of April one thousand nine hundred and seven between the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF MARGATE (hereinafter called "the corporation") of the one part and the URBAN DISTRICT COUNCIL OF THE URBAN DISTRICT OF BROADSTAIRS AND ST. PETER'S IN THE COUNTY OF KENT (hereinafter called "the Council") of the other part.

WHEREAS under the provisions of the Margate Corporation Acts 1900 and 1902 the corporation are supplying water within the borough of Margate (hereinafter called "the borough") and the neighbourhood thereof and for that purpose have under the powers of the said Acts constructed (amongst other works) a pumping station with wells and other works in the parishes of Wingham in the rural district of Eastry and Adisham in the rural district of Bridge in the said county of Kent (hereinafter called "the Wingham Pumping Station"):

And whereas the Council are supplying water within the urban district of Broadstairs and St. Peter's and the parish of St. Peter Extra in the rural district of the Isle of Thanet all in the said county of Kent (which urban district and parish are hereinafter called "the Council's area of supply") and for that purpose have a pumping station with wells and other works at Rumfields in the said urban district:

And whereas the supply of water obtained from the said pumping station at Rumfields is inadequate to meet the demand in the Council's area of supply and the corporation have agreed to give a supply of water to the Council upon the terms hereinafter contained:

Now it is hereby mutually agreed and declared as follows:—

1. Subject to the provisions hereinafter contained the corporation shall supply from the Wingham Pumping Station and the Council shall take from the corporation as from the date of the completion of the works to be authorised by the Act for which a Bill is now being promoted by the Council in the present session of Parliament (hereinafter referred to as "the Bill") all such water as the Council shall

require for the purpose of use or supply within the Council's area of supply in excess of the supply of water to be obtained by them from their said pumping station at Rumfields.

2. The supply shall be given from the Fleete Reservoir of the corporation and shall be delivered into the main to be laid by the Council at the point of delivery hereinafter mentioned.

3. The Council shall at their own expense lay and thereafter maintain a main or line of pipes of not more than twelve inches diameter from such point on the land of the corporation adjoining the said Fleete Reservoir as the engineer for the time being of the corporation (hereinafter called "the engineer") shall determine and such point is in this agreement called "the point of delivery."

4. The water to be supplied under this agreement shall be measured by means of a suitable meter to be fixed at the point of delivery in a meter house to be provided and maintained by the Council and such meter shall be provided and fixed and thereafter maintained and when necessary adjusted renewed or replaced by another meter by and at the expense of the Council but to the reasonable satisfaction of the corporation. The Council shall keep the meter records in the said meter house. The corporation and the Council respectively shall at all reasonable times be at liberty by their servants or agents to open and inspect the said meter and to test the accuracy thereof and also to inspect and take copies of the said meter records. If at any time any meter provided by the Council shall be found to be measuring inaccurately or to be out of repair the Council may and shall on the requisition of the corporation forthwith adjust or repair such meter or remove the same and provide another suitable meter in its place and during such period as any such meter shall be found to have measured inaccurately or shall have been removed and not replaced by another meter the quantity of water supplied to the Council shall be deemed to be the quantity supplied to them during the corresponding period in the previous year with an addition equivalent to the rateable increase (if any) in the quantity of water supplied during the three months immediately preceding such first mentioned period over and above the quantity supplied in the corresponding three months in such previous year.

5. All mains pipes or meters to be provided by the Council under this agreement shall be and remain their property but all such mains pipes or meters and the manner of laying down or fixing the same upon the property of the corporation shall be subject to the reasonable approval of the engineer. The Council shall pay to the corporation on every first day of January during the continuance of this agreement the sum of one pound by way of rent for the land of the corporation to be occupied by the mains pipes or meters to be provided by the

A.D. 1907. Council as aforesaid but nothing in this agreement shall confer upon the Council any right or interest in the said land other than the right of laying down and maintaining the said mains pipes and meters during the continuance of this agreement.

6. The Council shall pay the corporation for all water supplied in any year during the continuance of this agreement at the rate of such sum per thousand gallons as shall be equal to the cost price to the corporation during such year per thousand gallons of water delivered into the borough of Margate from the Wingham Pumping Station together with the addition of a sum equal to five per cent. upon the amount payable at such rate. For the purposes of this agreement the cost price to the corporation of a thousand gallons of water delivered into the borough as aforesaid in any year shall be ascertained by dividing the total expense of delivering such water to the points hereinafter mentioned by the number of thousand gallons obtained from the Wingham Pumping Station wherever ultimately delivered or supplied as measured by the meter or meters of the corporation at the Wingham Pumping Station. The corporation shall during the continuance of this agreement provide maintain adjust and renew such meters as shall be required at the Wingham Pumping Station for measuring the quantity of water obtained therefrom and if necessary replace the same by others. The corporation and the Council respectively shall at all reasonable times be at liberty by their servants or agents to open and inspect the said meters and to test the accuracy thereof and also to inspect and take copies of the meter records at the office of the corporation in the borough. If at any time such meter shall be found to be measuring inaccurately or be out of repair the corporation may and shall on the requisition of the Council forthwith adjust or repair such meter or remove the same and provide another suitable meter in its place and during such period as any such meter shall be found to have measured inaccurately or shall have been removed and not replaced by another meter the quantity of water obtained from the Wingham Pumping Station shall be deemed to be the quantity obtained during the previous year with an addition equivalent to the rateable increase in the quantity of water obtained during the three months immediately preceding such first-mentioned period over the quantity obtained in the corresponding three months in such previous year.

7. The expense of delivering such water as aforesaid in any year shall for the purposes of this agreement be deemed to include—

- (a) All moneys payable in such year by way of interest and instalments of principal or contributions to sinking fund in respect of the moneys for the time being expended by the corporation upon the Wingham Pumping Station and the wells and works connected therewith and all mains pipes and other works

used for the purpose of conveying water from the Wingham Pumping Station to the point of termination of the eighteen-inch main in Victoria Road in the borough and to the said Fleete Reservoir and upon the said Fleete Reservoir (including in every case the purchase of lands easements and other rights):

- (b) All moneys expended in such year in the maintenance repair renewal or insurance of the Wingham Pumping Station wells mains pipes and other works and also all moneys expended in the flushing and inspection of the said mains pipes and other works:
- (c) The expenses incurred in such year in working the Wingham Pumping Station including all rates taxes rents or way-leaves payable in respect of the same or in respect of the adits or levels connected therewith or in respect of the said mains pipes and other works or in respect of the Fleete Reservoir:
- (d) All moneys payable in such year by way of interest upon and instalments of principal or contributions to sinking fund in respect of the moneys for the time being expended by the corporation upon tanks reservoirs mains pipes and other works used or laid down for the purpose of supplying water within the limits of supply of the corporation added under the Margate Corporation (Water) Act 1902 (including the purchase of lands easements and other rights in connection therewith) and all moneys expended in such year on the maintenance repair or renewal of such last-mentioned tanks reservoirs mains pipes and other works and on the flushing and inspection of the said last-mentioned tanks reservoirs mains pipes and other works and in or in connection with the distribution and supply of water within such added limits of supply including all rates and taxes payable in respect of the said tanks reservoirs mains pipes and other works but to the extent only to which the aggregate of all such moneys shall exceed the revenue derived by the corporation in such year from the supply of water within such added limits:
- (e) A sum equal to three and three-quarters per cent. upon the aggregate of the moneys and expenses mentioned in paragraphs (b) (c) and (d) of this clause other than such proportion of the moneys mentioned in paragraph (d) as is attributable to moneys payable by way of interest or instalments of principal or contributions to sinking fund.

A.D. 1907.

8. Within fourteen days after the expiration of each quarter during the continuance of this agreement the Council shall pay to the corporation such sum as shall be estimated to be due in accordance with this agreement for the water supplied to the Council during such quarter. For the purpose of such estimate the cost price (within the meaning of clause 6 of this agreement) of a thousand gallons of water delivered into the said borough of Margate shall for the year during which the supply commences be taken at five pence and for each succeeding year during the continuance of this agreement at the cost price for the immediately preceding year ascertained in accordance with the last two preceding clauses within two calendar months after the expiration of every year during the continuance of this agreement the actual cost price for such year shall be ascertained in accordance with clauses 6 and 7 hereof and the amount payable under this agreement for the water supplied to the Council during such year shall be determined and the difference between such amount and the sum then already paid by the Council for such year shall be added or deducted (as the case may be) to or from the next payment becoming due from the Council to the corporation. For the purpose of ascertaining such cost price the Council shall be at liberty by their servants or agents to inspect and take extracts from all necessary books of the corporation relating to their water undertaking.

9. The corporation shall not be liable for any loss or damage which may be occasioned to the Council or any other person or persons by any failure or deficiency in the supply of water to be given under this agreement if such failure or deficiency shall be due to frost drought insufficiency of pressure bursting of or accidents to aqueducts pipes or works or to any cause or circumstance not under the control of the corporation or while the works of the corporation shall be undergoing necessary repairs or cleansing and nothing in this agreement shall confer upon the Council any right to be supplied by the corporation with water in priority to any other consumer supplied by them in the event of any failure or deficiency in the source of supply of the corporation to meet the demands of all the consumers (including the Council) supplied by them. Provided that in such event the Council shall be entitled to the like treatment which is given to consumers of water in the borough and in particular shall be entitled to as much water per head for the domestic purposes of consumers within the Council's area of supply as is supplied by the corporation for the domestic purposes of consumers within the corporation's limits of supply but this proviso shall only apply to water obtained from the Wingham Pumping Station.

10. The Council shall continue to use the said pumping station at Rumfields daily and every day except in case of emergency or accident

and obtain therefrom all such water as the same is capable of yielding until the expiration of six months' notice in writing to the corporation of their intention to discontinue using the same but the Council shall not so long as the corporation are able to supply all water required by the Council in accordance with this agreement obtain water from any other source than the corporation or the said pumping station at Rumfields without the consent in writing of the corporation. A.D. 1907.

11. The Council shall not without the consent in writing of the corporation supply water outside or for use outside the Council's area of supply but if such consent shall be given the provisions of this agreement so far as they legally may shall extend and apply to any water required by the Council for supply outside such area in accordance with such consent.

12. In this agreement the expression "year" means a period of twelve calendar months expiring at midnight on the thirty-first day of March and the expression "quarter" means a quarter of a year expiring on the thirty-first day of March the thirtieth day of June the thirtieth day of September or the thirty-first day of December.

13. This agreement shall (subject to the next succeeding clause and to clause 17 hereof) continue in force until the thirty-first day of March one thousand nine hundred and twenty-three.

14. The Council shall use their best endeavours to obtain the insertion in the Bill of a clause confirming this agreement and if this agreement shall not be confirmed by Parliament before the end of the present session the same shall become and be wholly null and void.

15. Any dispute or difference which may arise between the parties hereto with reference to the meaning or effect of this agreement or the rights or liabilities of either party hereunder shall be referred to an arbitrator to be appointed (in default of agreement) by the President for the time being of the Institution of Civil Engineers on the application of either party hereto.

16. Any notice or consent required or authorised to be given by this agreement may be given under the hand of the town clerk of the borough of Margate or the clerk to the Council as the case may be and any such notice may be served by sending the same through the post in a prepaid letter addressed to such town clerk or clerk to the Council at his office.

17. This agreement is subject to such alterations as Parliament may think fit to make therein but if any material alteration be made therein by either House of Parliament either party hereto may by notice in writing to the other to be given within one calendar month after such

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District Water Act, 1907.*

[7 EDW. 7.]

A.D. 1907. alteration shall have been communicated to the party giving such notice
— . withdraw from this agreement and thereupon the same shall become null
and void.

In witness whereof the parties hereto have caused their respective
common seals to be hereunto affixed the day and year first before
written.

JOHN JAMES HERMITAGE Mayor.

The corporate seal of the mayor aldermen and }
burgesses of the borough of Margate was hereunto }
affixed by authority in the presence of }

L.S.

EDW. BROOKE Town Clerk.

The common seal of the Broadstairs and St. Peter's }
Urban District Council was hereunto affixed by }
authority of the said Council in the presence of }

L.S.

H. S. D. BYRON Chairman.

L. A. SKINNER Clerk to the Council.

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