



CHAPTER xxviii.

An Act to extend the district of the Caterham Spring Water Company to change their Name to authorise the Company to raise additional Capital and for other purposes. A.D. 1885.
[21st May 1885.]

WHEREAS by the Caterham Spring Water Company's Act 1862 (hereinafter called "the Act of 1862") the Caterham Spring Water Company (hereinafter called "the Company") were incorporated with a share capital of twenty-eight thousand pounds and power to borrow seven thousand five hundred pounds for the purpose of supplying with water certain places in the county of Surrey :

And whereas by the Caterham Water Order 1873 (in this Act called "the Order of 1873") the Company were authorised to raise twenty-two thousand pounds by shares and five thousand five hundred pounds by borrowing :

And whereas by the Caterham Spring Water Company's Act 1881 (in this Act called "the Act of 1881") a lease to the Company for ninety-nine years of certain waterworks within their district belonging to the Kenley Waterworks Company Limited (hereinafter called "the Kenley Company") was confirmed and the Company were authorised to raise additional capital not exceeding twenty-four thousand pounds and to raise not exceeding eight thousand pounds of that additional capital by debentures or debenture stock (therein called "A Debentures" and "A Debenture Stock") to which were attached dividends or interest not exceeding five pounds per centum per annum ranking specially as therein mentioned or to raise the whole or any part of that additional capital by ordinary or preference shares or stock and to borrow on mortgage any sum not exceeding one-fourth part of the amount of such additional capital which might be created and issued otherwise than as debenture stock :

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And whereas the Company's share and loan capital now stands as follows (that is to say) :—

—	Shares or Stock created.	Borrowed on Mortgage.
Under the Act of 1862 -	£ 28,000	£ 7,500.
Under the Order of 1873 -	22,000	5,500.
Under the Act of 1881 -	8,830	{ 8,000 " A " Debentures. 1,600 Ordinary Debentures.

And whereas the Company have not created any debenture stock :

And whereas it is expedient that the limits within which the Company are authorised to supply water should be extended so as to include therein the parishes hereinafter mentioned :

And whereas the Company are desirous and it is expedient that their name should be changed :

And whereas many parts of the existing district are situated at a great height above the mean level of the sea and by the Act of 1862 it was provided that the Company might charge additional rates in respect of such portions of the district as might be situate at a higher altitude than four hundred feet above the mean level of the sea :

And whereas parts as well of the existing district of the Company as of the district by this Act included within their limits of supply are situate at a higher level than six hundred and fifty feet above the mean level of the sea and it is expedient that provision should be made for enabling the Company to charge increased rates in respect of water supplied to those parts of their district and for relieving the Company from the necessity of affording a constant supply of water when such supply cannot be given by means of gravitation from the reservoirs of the Company :

And whereas it is expedient that the Company should be authorised to raise additional capital and that the further powers hereinafter contained should be conferred upon the Company with reference to their undertaking and that the recited Acts should be in some respects amended :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited for all purposes as the East Surrey Water Act 1885. Short title.

2. The provisions of the Companies Clauses Consolidation Act 1845 with respect to— Incorporation of general Acts.

The distribution of the capital of the Company into shares:

The transfer or transmission of shares:

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

The forfeiture of shares for non-payment of calls:

The remedies of creditors of the Company against the shareholders:

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

The conversion of borrowed money into capital:

The consolidation of the shares into stock: and

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

And Part I. (relating to cancellation and surrender of shares) and

Part II. (relating to additional capital) and Part III. (relating to

debenture stock) and Part IV. (relating to change of name) of the

Companies Clauses Act 1863 as amended by the Companies Clauses

Act 1869 and the Lands Clauses Consolidation Acts 1845 (except the

provisions thereof with respect to the purchase and taking of lands

otherwise than by agreement and the entry upon lands) 1860 and

1869 and the Waterworks Clauses Acts 1847 and 1863 (except the

provisions of the said Act of 1847 with respect to the construction

of waterworks) are (except where expressly varied by this Act)

incorporated with and form part of this Act.

3. In this Act the terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings and the expression "the limits of supply" shall mean the limits within which the Company are by the recited Acts authorised to supply water as extended by this Act and in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute. Interpretation.

4. From and after the passing of this Act the limits of the Company's Acts for the supply of water shall extend to and include Extending Company's limits of supply.

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the parishes following that is to say: Sanderstead Farley Merstham Chipstead Gatton Tandridge Horley Burstow Horne Lingfield Crowhurst Buckland Betchworth Leigh Newdigate and Charlwood all in the county of Surrey. Provided that if any of the said parishes shall not be adequately supplied with water within ten years from and after the passing of this Act the restriction on the construction of waterworks by a local authority by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of any such parish.

Change of
Company's
name.

5. The name of the Company is hereby changed and from and after the passing of this Act shall be "The East Surrey Water Company."

Purchase
of land by
agreement.

6. In addition to the lands which the Company are under the recited Acts authorised to take or purchase the Company may by agreement take and purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands within the limits of supply not exceeding in the whole five acres in extent or any term interest or easement (not being an easement of water) in any such lands. Provided that no buildings shall be erected on such lands except such as are required for the purposes of the Company's waterworks. The Company may subject to the provisions of the Lands Clauses Act 1845 with respect to the sale of superfluous lands from time to time sell lease exchange or otherwise dispose in such manner and to such persons as the Company think fit of any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging thereto and may make the sale or lease subject to such reservation and may also make such sale or lease subject to reservations conditions restrictions or provisions with respect to use of water noxious trades discharge or deposit of sewage or manure and other like matters as the Company think fit.

Restriction
on displac-
ing persons
of the labour-
ing class.

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

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For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

8. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or are authorised to raise under the Act of 1862 the Order of 1873 or the Act of 1881 and not thereby made applicable for any particular purpose or if so made applicable not required for that purpose.

Application of funds.

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

Power for Company to raise further capital.

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

Incidents of shares or stock.

11. The Company shall not out of the profits of their undertaking in any one year make any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend

Limit of dividends on new ordinary shares and stock.

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which may have fallen short of the said sum of seven pounds per centum per annum.

Ranking of different classes of ordinary capital for dividend if profits insufficient to pay in full the prescribed dividend on all.

12. If in any one year the net revenues of the Company applicable to dividend on ordinary capital shall be insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary stock or shares in the capital of the Company such revenues shall be applied in the first place in payment of dividend on all ordinary capital of the Company up to the rate of seven pounds per centum in respect of every sum actually paid up of such capital and the balance in payment of dividend upon all ordinary capital of the Company actually paid up and entitled to a higher rate of dividend than seven pounds per centum.

Dividends on new shares or stock.

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

Restriction as to votes in respect of debenture stock and preferential shares or stock.

14. No person shall be entitled to vote in respect of any debenture stock under this Act nor (except as otherwise expressly provided by the resolution creating the same) in respect of any new shares or stock to which a preferential dividend shall be assigned.

Receipt clause in case of persons not sui juris.

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

Power to borrow.

16. The Company may in respect of the additional capital of fifty-four thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding one-fourth part of the amount of such capital as is for the time being created and issued but no part of the said sum shall be borrowed until shares for so much of the portion of capital in respect of which the said borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one-half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of so much of such portion of capital as is to be raised by means of shares have been issued and accepted and one-half thereof has been paid up and that not less than one-fifth of the amount of each separate share in such portion of capital has been paid on

account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock (as the case may be) were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if any part of the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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

As to conversion of borrowed money into capital.

18. Section 22 for appointment of a receiver of the Act of 1881 is hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending.

Repeal of section 22 of Act of 1881.

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

For appointment of a receiver.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in the Act of 1862 or in the Order of 1873 or in the Act of 1881 contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the Act of 1862 or the Order of 1873 or the Act of 1881 and this and any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the

Debenture stock.

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Existing mortgages to have priority.

21. All mortgages granted by the Company in pursuance of the powers of the Act of 1862 or of the Order of 1873 or of the Act of 1881 before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts or Order under which the same were respectively granted have priority over any mortgages granted by virtue of this Act.

As to priority of mortgages and debenture stock.

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

Application of moneys raised under this Act.

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

Increase of number of directors of Company.

24. At any meeting of the Company to be held after the passing of this Act duly convened with notice of this object the Company may resolve and determine that the number of directors of the Company elected by the shareholders shall be increased to seven and thereupon the number of directors shall be by this Act increased to seven and the shareholders present in person or by proxy at the same meeting or any subsequent meeting duly convened with notice of this object may elect one or more duly qualified persons to be an additional director or additional directors accordingly. But the Company may at any time thereafter from time to time reduce and again increase the number of directors elected by the shareholders so that the number be never less than five nor more than seven and three shall at all times be a quorum of directors.

Saving sections 13 and 14 of

25. Nothing in this Act shall prejudice or affect the provisions of sections 13 and 14 of the Act of 1881 or the rights and obliga-

tions of the Company and the Kenley Company respectively under the lease scheduled to and confirmed by the Act of 1881.

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—
Act of 1881
&c.

26. Notwithstanding anything contained in the Companies Consolidation Act 1845 any auditor of the Company to be elected after the passing of this Act may be either a shareholder of the Company or not.

Auditors
need not be
shareholders.

27. Subject to the provisions of section 27 of the Act of 1862 the supply of water to water-closets and baths shall be deemed to be part of the supply of water for domestic uses.

Supply of
water for
baths &c.

28. No person shall by reason of his being a member of any sanitary authority or other body or a holder of stock or shares in any company with whom any contract or arrangement shall be entered into by the Company be held to have such an interest or to be so concerned in such contract or arrangement as to disqualify him from being or if then a director remaining a director of the Company and voting and acting as such.

Contracts
not to
disqualify
directors.

29. Notwithstanding anything contained in section 30 of the Croydon Corporation Act 1884 the mayor aldermen and burgesses of the borough of Croydon shall not except with the consent in writing of the Company under the hand of their secretary for the time being supply water in bulk or otherwise under the provisions of that section within the limits of supply. But nothing in this Act shall restrain the said mayor aldermen and burgesses from supplying water in bulk or otherwise within the limits for the time being of the municipal borough of Croydon.

Amendment
of section 30
of Croydon
Corporation
Act 1884.

30. Notwithstanding anything in the Waterworks Clauses Act 1847 or in the recited Acts contained the water to be supplied by the Company need not be supplied in any case at a level above that at which water can be supplied by gravitation from the respective reservoir or work (whether existing or to be hereafter constructed by the Company) from which water may for the time being be actually supplied by the Company in the district generally in which the premises supplied or to be supplied are situate.

Constant
pressure.

31. Subject to the provisions of this Act the Company may for water supplied by them for domestic or other purposes within the parish of Sanderstead demand and take rates and charges not exceeding those which for a like supply under like circumstances the Company may now lawfully take within their existing limits of supply and for water supplied as aforesaid within any other parish or place by this Act added to those limits of supply the Company may demand and take rates and charges one-eighth higher than those which they may now lawfully take as aforesaid.

As to water
rates in
added area.

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Additional
rates in cer-
tain cases.

32. If the point at which the water shall be discharged or flow into any house or part of any house supplied with water by the Company either within their existing limits of supply or within their limits of supply as extended by this Act shall be situate at an altitude higher than 650 feet above ordnance datum or the mean level of the sea the Company may demand and take for such supply rates and charges higher by one-half than the rates and charges which by the recited Acts or this Act they are or would be entitled to demand and take for a supply of water for like purposes to a similar house or a part of a house situate at an altitude not exceeding 400 feet above ordnance datum or the mean level of the sea.

Owners in
certain cases
liable for
water rents.

33. When the annual value of a house or premises supplied with water by the Company does not exceed ten pounds or the house or premises is or are let to tenants for any term less than a quarter the owner shall be primarily liable to the Company for the payment of the water rates or rent and the provisions of the recited Acts and this Act for the recovery of water rates or rents shall apply for the recovery of water rates or rents from any such owner. For the purposes of this section the expression "owner" includes any person receiving the rent of any house or premises on his own account or as agent or receiver for any other person.

Company
not bound
to supply
water for
trade pur-
poses.

34. Where any part of a dwelling-house is used by the occupier thereof for any trade or business purpose or pursuit for which water is required in addition to the ordinary supply for domestic purposes the Company shall not be bound to supply water to such dwelling-house otherwise than by special agreement.

Regulations
for prevent-
ing waste
of water.

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

Confirmation
of regula-
tions.

36. No such regulations shall be of any force or effect except within the district which the Company is bound to supply and does in fact supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same And no such regulations shall be confirmed until after the

expiration of thirty days after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to every sanitary authority within the limits of supply and any such authority may within the said period of thirty days make such representation with reference thereto to the Local Government Board as such authority shall think expedient.

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37. All such regulations shall be subject to the provisions contained in sections 182 to 184 both inclusive of the Public Health Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the regulations were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

Regulations subject to provisions of the Public Health Act 1875.

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

Publication of regulations.

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

Evidence of regulations.

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

For enforcing regulations.

41. From and after the making confirmation and publication of any regulations under this Act all regulations theretofore made by

Former regulations to cease to be in force.

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the Company for the like purposes shall cease to be in force or have effect but the Company may nevertheless enforce and recover any penalties for or in respect of antecedent breaches of any such last-mentioned regulations as if this Act had not passed.

Disputes as to infringement of regulations to be settled by two justices.

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

Power to sell or let meters.

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

Meters not to be connected or disconnected without notice to Company.

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

Fraudulently injuring meters, &c.

45. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also discontinue the supply of water to the person

so offending until the injury is remedied and the amount of the damages is paid notwithstanding any contract previously existing and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *prima facie* evidence that the same has been fraudulently caused by the customer using such pipe meter or fitting.

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

Repair of
meters.

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

Register of
meter to be
prima facie
evidence.

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

Power to
remove
meters and
fittings.

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Power for
Company
to supply
materials &c.

49. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil-pans and water-closets apparatus receptacles fittings and appliances as are required or permitted by their regulations in connection with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Service
pipes.

50. The service pipes to communicate with the mains and pipes of the Company and the fittings connected therewith shall be laid placed and removed under the superintendence of the Company and at the expense of the persons requiring or having the supply and either by the Company or some person approved by the Company.

Company
not bound
to supply
several
houses by
one pipe.

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

Where
several
houses
supplied
by one pipe
each to pay.

52. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company from a distinct pipe Provided always that the Company shall not be compelled to supply water to the occupier of any part of a dwelling-house or building which is divided into or occupied in separate tenements unless the water-rate is paid for the whole of such dwelling-house or building.

Supply of
water to
tenements
in a row.

53. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under the recited Acts or this Act for a supply of water.

Power to
lay pipes in
streets not

54. The Company may upon the application of the owner or occupier of any premises abutting on or being erected in any street

or road laid out or made but not dedicated to public use supply such premises with water and may lay in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are respectively applicable for the purpose of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

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dedicated to
public use.

55. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement with creditors the secretary of the Company or any person appointed in his behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim of such secretary or person and not of the Company.

Representa-
tion of the
Company in
bankruptcy,
&c.

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

Entry on
premises
to cut off
supply in
certain cases.

57. If any person fails to pay any water rent meter rent and rate due to or recoverable by the Company under this Act then if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned) and any justice may issue his warrant accordingly and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent or rate.

Recovery of
sums due.

58. Any notice to be served on a person supplied with water may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if

Form and
service of
notices by
Company.

A.D. 1885. — such premises be unoccupied and the place of abode of the person to be served is after diligent enquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Notice of
discon-
tinuance.

59. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the principal office for the time being of the Company.

Liability to
water rent
not to
disqualify
justices, &c.

60. A justice or a judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Contents of
summons.

61. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of
distress.

62. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the cost of the proceedings for recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Penalties not
cumulative.

63. Penalties imposed on the Company or any consumer of the water of the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed one Act.

Authentica-
tion of
notices, &c.

64. Any summons warrant demand or notice or other document to be issued or given for any of the purposes of this Act may be in writing or print or partly in writing and partly in print and if it require authentication by the Company the signature thereof by the secretary shall be sufficient authentication.

Costs of Act.

65. The costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act shall be paid by the Company.