



CHAPTER ccxlviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Bridgend (Glamorgan-shire) Gas and Water Goring and Streatley District Gas and Water Marlow Water Mid-Kent Water and Pinxton Water. A.D. 1902.
[18th November 1902.]

WHEREAS the Board of Trade have made under the authority of the Gas and Water Works Facilities Act 1870 the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is of no force or validity whatever until the confirmation thereof by Act of Parliament:

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

Be it therefore 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:—

1. This Act may be cited as the Gas and Water Orders Confirmation (No. 1) Act 1902. Short title.

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

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or urban district or in any parish or part of a parish not being an urban district ten or more houses which on Special pro-
visions as to
houses of
working
class.

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A.D. 1902. 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. If any Undertakers purchase or acquire any house or houses under the powers of this Act or of the said Orders 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.

For the purposes of this section the expression "labouring class" means mechanics artificers 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. The expression "house" means any tenement separately occupied by any person or persons.

SCHEDULE.

BRIDGEND (GLAMORGANSHIRE) GAS AND WATER.—Order empowering the Bridgend (Glamorganshire) Gas and Water Company to raise additional capital.

GORING AND STREATLEY DISTRICT GAS AND WATER.—Order empowering the Goring and Streatley Gas and Water Company Limited to raise additional capital for the purposes of their gas and water undertakings.

MARLOW WATER.—Order empowering the Great Marlow Water Company Limited to construct maintain and continue additional waterworks and to raise additional capital.

MID-KENT WATER.—Order empowering the Mid-Kent Water Company to extend their limits of supply.

PINXTON WATER.—Order authorising the maintenance and continuance of waterworks and the supply of water in a portion of the parish of Pinxton in the county of Derby.

BRIDGEND (GLAMORGANSHIRE) GAS AND WATER.

A.D. 1902.

Order empowering the Bridgend (Glamorganshire) Gas and Water Company to raise additional Capital.

*Bridgend
(Glamorganshire).*

1. This Order may be cited as the Bridgend (Glamorganshire) Gas and Water Order 1902. Short title.

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

3. The Bridgend (Glamorganshire) Gas and Water Act 1869 (in this Order referred to as "the Act of 1869") and the Bridgend (Glamorganshire) Gas and Water Order 1875 (in this Order referred to as "the Order of 1875") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the several matters following (that is to say):— Incorporation of Acts.

The distribution of the capital hereby authorised 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 the creditors of the Company against the shareholders ;

The consolidation of the shares into stock ;

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

The making of dividends ;

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

The giving of notices ; and

The provision to be made for affording access to the special Act ;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Waterworks Clauses Acts 1847 and 1863 the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are except where expressly varied by this Order incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Act shall be construed to mean this Order.

5. The Bridgend (Glamorganshire) Gas and Water Company incorporated by the Act of 1869 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

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Additional Capital.

Bridgend
(*Glamorgan-*
shire).

Additional
capital.

6. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1869 and the Order of 1875 (in this Order referred to as "the existing capital") they may—

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

(2) Borrow on mortgage in respect of the new capital by this Order authorised to be raised any sum or sums not exceeding in the whole one-fourth part of the amount payable in respect of the new capital at the time actually issued including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until shares or stock for so much of the new capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premiums (if any) have been fully paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

7. The Undertakers shall not have power to raise the money by this Order 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 the amount borrowed under the provisions of this Order.

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

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

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

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

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

A.D. 1902.

—
Bridgend
(*Glamorgan-*
shire).

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

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

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

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

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

13. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary capital of the Undertakers in the manner provided by the Companies Clauses Act 1863. Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock forming part of the new capital and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary capital at the last-mentioned reserved price and so on until the whole of such shares or stock is sold.

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

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Bridgend
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shire).

Application
of premium
arising on issue
of shares or
stock.

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

Limits of
dividend on
capital.

15. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference shares or stock.

Dividends on
different classes
of shares or
stock to be
paid propor-
tionately.

16. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividend payable on each class.

Power to
create debenture
stock.

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

Existing
mortgages to
have priority.

18. All mortgages granted by the Undertakers before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Act of 1869 or of the Order of 1875 have priority over any mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

For appoint-
ment of a
receiver.

19. Section 12 of the Act of 1869 (Arrears may be enforced by the appointment of a receiver) shall be repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or any proceedings then pending and after the commencement of this Order the mortgagees of the Undertakers may enforce payment of arrears of interest or of principal or of 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

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arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage. A.D. 1902.
Bridgend
(Glamorgan-
shire).

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

21. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1869. Application of money.

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

GORING AND STREATLEY DISTRICT GAS AND WATER.

Order empowering the Goring and Streatley Gas and Water Company Limited to raise additional Capital for the purposes of their Gas and Water Undertakings. Goring and Streatley District.

1. This Order may be cited as the Goring and Streatley District Gas and Water Order 1902. Short title.

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

3. The Goring and Streatley District Gas and Water Order 1888 (in this Order referred to as "the Order of 1888") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.

4. The several words terms and expressions to which by the Acts in whole or in part incorporated with the Order of 1888 and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings. Interpretation.

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

Part I.—Relating to the Gas Undertaking.

6. The limitation prescribed by the Order of 1888 with respect to the amount of the share capital of the Undertakers for the purposes of the gas undertaking shall not prevent the Undertakers from raising for such purposes by the issue of new ordinary shares or new preference shares or wholly or Additional gas capital.

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*Goring and
Streatley
District.*

partly by one of those modes further share capital (in this part of this Order referred to as "the additional gas capital") not exceeding ten thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order. Provided that the share capital of the Undertakers in respect of their gas undertaking shall not for such purposes exceed in the whole eighteen thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to
be offered by
auction or
tender.

7. The Undertakers shall when any shares forming part of the additional gas capital are to be issued and before offering the same to the holder of any other shares of the Undertakers and whether the ordinary shares of the Undertakers are at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserved price put upon such shares shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner. And provided that no priority of tender shall be allowed to any holder of shares of the Undertakers except that if any bidding or offer by tender of any holder of shares be the same in amount as any bidding or offer made by any other person the bidding or offer of such holder of shares shall be accepted in preference.

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

8. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

Notice to be
given of
sale of shares.

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

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

10. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares in the capital of the Undertakers for the purposes of the gas undertaking in such manner as may

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be prescribed by a special resolution passed by the Undertakers Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional gas capital and the reserved price put upon such shares may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares not then sold shall be again offered to the holders of ordinary shares at the last-mentioned reserved price and so on until the whole of such shares is sold.

A.D. 1902.

*Goring and
Streatley
District.*

11. Any sum of money which may arise by way of premium from the issue of any shares under the provisions of this Order after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the gas undertaking or in paying off money borrowed or owing on mortgage by the Undertakers in respect of the said undertaking and shall not be considered as part of the capital of the Undertakers entitled to dividend Provided that in any case where a power to create an insurance fund is made proportionate to the paid-up capital the premium received from the sale of shares by auction or tender as hereinbefore provided shall for such purpose be reckoned as part of the paid-up capital.

Application
of premium
arising on
issue of
shares.

12. Except as by section 21 of the Order of 1888 is provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the additional gas capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital and such dividends or such dividends as reduced or increased in accordance with the provisions of Part II. of the Order of 1888 are in this part of this Order referred to as "the prescribed rates."

Limit of divi-
dend on gas
capital.

13. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary shares or stock in the capital of the Undertakers for the purposes of the gas undertaking a proportionate reduction shall be made in the dividends payable on each class.

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

14. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the gas undertaking shall not at any time exceed in the whole one-fourth part of the amount of the capital of the Undertakers for the purposes of the gas undertaking actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of bor-
rowing powers
and of interest
thereon.

A.D. 1902.

*Goring and
Streatley
District.*

Additional
water capital.

Part II.—Relating to the Water Undertaking.

15. The limitation prescribed by the Order of 1888 with respect to the amount of the share capital of the Undertakers for the purposes of the water undertaking shall not prevent the Undertakers from raising for such purposes by the issue of new ordinary shares or new preference shares or wholly or partly by one of those modes further share capital (in this part of this Order referred to as "the additional water capital") not exceeding eight thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order. Provided that the share capital of the Undertakers in respect of their water undertaking shall not for such purposes exceed in the whole sixteen thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limit of divi-
dend on water
capital.

16. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the additional water capital than seven pounds in respect of every one hundred pounds actually paid up of so much of the additional water capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of the additional water capital as may be issued as preference capital.

Limit of bor-
rowing powers.

17. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers at the time actually raised for the purposes of the water undertaking by the issue of shares including any premiums that may be obtained on sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Provisions as
to gas capital
to apply to
water capital.

18. All the foregoing provisions of sections 7 to 11 inclusive and section 13 of Part I. of this Order with regard to the share capital for the purposes of the gas undertaking shall so far as the same are applicable extend and apply mutatis mutandis to the additional water capital.

Relating to both Undertakings.

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

MARLOW WATER.

A.D. 1902.

Order empowering the Great Marlow Water Company Limited to construct maintain and continue additional Waterworks and to raise additional Capital.

Marlow.

1. This Order may be cited as the Marlow Water Order 1902. Short title.
 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
 3. The Marlow Water Order 1889 (in this Order referred to as "the Order of 1889") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.
 4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order. Incorporation of Acts.
 5. The several words and expressions to which by any Act wholly or partly incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings. Interpretation.
 6. The Great Marlow Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.
- Lands.*
7. The Undertakers may by agreement purchase take on lease acquire and use such of the land shown on the plans deposited in respect of this Order as they may require for the purposes of the undertaking and they may by agreement purchase or take on lease and use any other lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the grantors have an interest) in over or affecting any lands which they may require for such purposes Provided always that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time hold for such purposes more than five acres of land Provided also that no building shall be erected on such lands except such as are required for the purposes of the undertaking. Power to acquire lands.
 8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable Persons under disability may grant easements &c. to Undertakers.

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A.D. 1902. in this behalf shall extend and apply to such grants or to such easements rights
Marlow. or privileges as aforesaid.

Construction of Waterworks.

Powers to
construct
waterworks
and supply
water.

9. The Undertakers may on the land described in the schedule hereto when the same has been acquired by them and so long as they are possessed of the said land or so long as they may be entitled to do so under agreement make and maintain in the lines and according to the levels shown on the plans and sections deposited as aforesaid the works hereinafter described and other works and conveniences connected therewith and may enlarge renew and improve the same The works authorised by this Order will be wholly situate within the county of Bucks and are as follows:—

A service reservoir in the parish of Wooburn in the said county situate in the northern corner of the field numbered 181 in that parish on the Ordnance map (scale $\frac{1}{2500}$) second edition 1898 near Vicarage Farm bounded on the north-east by the road leading from Vicarage Farm to Wooburn Green and on the north-west by the road leading from Vicarage Farm to Northend Woods:

A well and pumping station in the parish of Little Marlow in the said county situate on or towards the western boundary of the enclosure numbered 155 in that parish on the Ordnance map (scale $\frac{1}{2500}$) second edition 1899 near to Chapman's Lane where the said lane turns to the west:

A conduit or line or lines of pipes commencing in the said parish of Little Marlow at the pumping station hereinbefore described and passing thence into and in an easterly and north-easterly direction along the said road from Well End to Sedgmoor Farm to the point at which the said road is joined by the road leading from Vicarage Farm through Northend Woods thence into and along the said last-mentioned road to a point thereon near to the service reservoir hereinbefore described and thence into and terminating in the said parish of Wooburn in the said service reservoir:

Together with all necessary cuts adits culverts drains sluices wells tubes wells boreholes tanks embankments dams filter beds mains pipes pumps engines machinery apparatus approaches works appliances and conveniences in connection with the said works.

Limits of
deviation.

10. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation shown on the deposited plan but in no case beyond the width of any road shown on the deposited plan and the Undertakers may deviate vertically from the level shown on the deposited section to any extent not exceeding three feet upwards or seven feet downwards Provided that the Undertakers shall not raise any aqueduct or pipe above the surface of the ground unless so shown in the section and then only to the extent shown.

Period for
completion
of works.

11. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by

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section 11 of the Gas and Water Works Facilities Act 1870 Provided A.D. 1902.
 always that subject to the provisions and restrictions of this Order the Under-
 takers may alter enlarge deepen and extend their tanks wells main pipes filters
 filter beds and other works in such way and manner as may be requisite or
 advisable for supplying water within the limits of supply. Marlow.

12. The construction by the Undertakers upon lands belonging to them of the work hereinafter described is hereby confirmed and authorised. Confirming construction of completed work.

The said work hereinbefore referred to is—

A service reservoir or tank constructed on a piece of land in the parish of Great Marlow in the said county near Marlow Common forming part of the enclosure numbered 410 in that parish on the Ordnance map scale $\frac{1}{25000}$ second edition 1899 adjoining and on the eastern side of the high road leading from Marlow to Chisbridge Cross.

The Undertakers may hold the said piece of land for the purposes of their undertaking and may maintain and use the said service reservoir or tank.

13. All the works hereinbefore referred to shall for all purposes form part of the undertaking of the Undertakers. Works to form part of undertaking of Undertakers.

14. The Undertakers shall not take any water directly from the River Thames (which expression in this section includes any tributary thereof) or from any defined surface channel discharging into the River Thames without the consent in writing of the Conservators of the River Thames. Undertakers not to abstract water from River Thames.

15. For the protection of Edward Dickson Park of Sedgmoor House Loudwater in the county of Bucks (who together with his sequels in estate and assigns is in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the Undertakers and the owner have effect (that is to say):— For protection of E. D. Park.

- (1) If at any time after the construction of the works by this Order authorised and the commencement by the Undertakers to abstract water by means thereof the owner shall be unable to obtain from his existing well situate at Sedgmoor Farm Loudwater by means of his existing or similar pumping machinery and appliances 1,500 gallons per day of 24 hours then and so often as the same shall happen the Undertakers shall subject to the provisions of this Order and within 48 hours after receipt of a requisition in writing signed by the owner specifying as nearly as may be the amount of any deficiency in the quantity of water which he shall be able to obtain as aforesaid commence to supply to the owner free of charge water to the extent of such deficiency :
- (2) The Undertakers shall continue to supply such quantity of water to the owner free of charge until the owner shall become again able to obtain as aforesaid a supply of 1,500 gallons per day of 24 hours :
- (3) Provided always that if any deficiency in the quantity of water which the owner shall be able to obtain as aforesaid shall be proved to be due to any cause other than the exercise by the Undertakers of the powers by this Order conferred upon them or the temporary cessation of pumping

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(No. 1) Act, 1902.

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Marlow.

operations by the owner for the purpose of repairs to his pump or the machinery connected therewith the Undertakers shall not be under any obligation to provide a free supply of water as aforesaid :

- (4) Subject to the provisions of this Order the Undertakers shall if required by the owner supply him at the current trade rate charged by the Undertakers to consumers in the district consuming a like quantity of water or at the rate of one shilling per 1,000 gallons whichever shall be the lower with such a quantity of water as he may from time to time require whether in excess of the said quantity of 1,500 gallons per day or not for purposes of domestic use at Sedgmoor Farm aforesaid or for the purposes of the business of a milkman or dairyman (not including garden or agricultural purposes) so long as the same shall continue to be carried on upon the said premises but for no other purpose :
- (5) The Undertakers shall not be liable to any penalty or damages for failure to give any such supply of water as aforesaid if such failure is caused by frost unusual drought or other unavoidable cause or accident :
- (6) The Undertakers shall before commencing to abstract water by means of the works by this Order authorised provide and lay a main or pipe sufficient for such a supply as aforesaid to connect the main or pipe by this Order authorised to be laid in Chapman's Lane with the existing rising main to the reservoir or tanks of the owner and shall provide and fix a meter for measuring such supply and all necessary and proper fittings and apparatus :
- (7) The Undertakers shall provide and fix the said meter at their own expense and the same and the said main or pipe fittings and apparatus shall be and remain the property of the Undertakers but the Undertakers shall not require or be entitled to any payment from the owner for the use of the same or any of them :
- (8) The engineer or other representative of the Undertakers may whenever the owner has required a supply from the Undertakers under the provisions of this section inspect the well pumping machinery and appliances of the owner and may do at the expense of the Undertakers all things necessary to measure and ascertain the yield of the owner's well for the time being causing as little damage or interference in so doing as reasonably may be and if he shall report to the Undertakers that in his opinion the owner is able at the time of the inspection to obtain from the well and by means of the then existing pumping machinery and appliances not less than 1,500 gallons per day of 24 hours then the Undertakers may require the question of their liability to give a supply under this section to be referred to arbitration :
- (9) Every such question shall be referred to and determined by a single arbitrator under the Arbitration Act 1889 which shall apply in the case accordingly Provided that pending any such arbitration the Undertakers shall if required by the owner continue to give him such supply as aforesaid but if the arbitrator finds and awards that the Undertakers were not bound to give it under the provisions of this section then the owner

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shall be liable to pay the Undertakers at the rate aforesaid for all water which they have in fact so supplied.

A.D. 1902.

Marlow.

Additional Capital.

16. Notwithstanding the limitation prescribed by the Order of 1889 with respect to the share capital of the Undertakers for the purposes of their water undertaking the share capital of the Undertakers for the purposes of the undertaking authorised by the Order of 1889 and this Order may consist of the share capital of sixteen thousand pounds mentioned in the Order of 1889 and of further additional share capital to be issued subject to the provisions of this Order not exceeding ten thousand pounds (hereinafter referred to as "the new capital") including any premiums obtained on the sale of any share under the provisions of this Order. Provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole the sum of twenty-six thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional capital.

17. The Undertakers shall when any shares or stock forming part of the new capital are issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letters may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer by tender made by any other person the bidding or offer of such holder shall be accepted in preference.

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

18. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

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

19. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the

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

[Ch. ccxlviii.] *Gas and Water Orders Confirmation* [2 EDW. 7.]
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A.D. 1902. reception of tenders as the case may be and notice of such intention shall be
Marlow. duly advertised by the Undertakers once in each of two consecutive weeks in
one or more newspapers circulating within the limits of supply.

Shares or stock
not sold by
auction or
tender to be
offered to
holders of
ordinary shares
or stock.

20. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any shares or stock so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock forming part of the new capital and the reserve put upon such shares or stock may upon such second auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so until the whole of such shares or stock is sold.

Application
of premium
arising on issue
of shares or
stock.

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

Limits of
dividend on
additional
capital.

22. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every hundred pounds actually paid up of such new capital as may be issued as ordinary capital or five pounds in respect of every hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

Dividends on
different classes
of shares to
be paid pro-
portionately.

23. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the original additional and new capital a proportionate reduction shall be made in the dividends payable on each class.

Limit of
borrowing
powers.

24. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers; after the commencement of this Order and secured as aforesaid.

[2 EDW. 7.] *Gas and Water Orders Confirmation* [Ch. cxxlviii.]
(No. 1) Act, 1902.

25. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Order of 1889 and this Order to which capital is properly applicable.

A.D. 1902.
Marlow.
Application of
moneys.

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

Costs of Order.

SCHEDULE.

LAND PROPOSED TO BE TAKEN.

(1) A piece of land in the parish of Wooburn in the county of Bucks situate in the northern corner of the enclosure numbered 181 in that parish on the Ordnance map (scale $\frac{1}{2500}$) second edition 1898 near Vicarage Farm bounded on the north-east by the road leading from Vicarage Farm to Wooburn Green and on the north-west by the high road leading from Vicarage Farm to Northend Woods.

(2) A piece of land in the parish of Little Marlow in the said county of Bucks situate on or towards the western boundary of an enclosure numbered 155 in that parish on the Ordnance map (scale $\frac{1}{2500}$) second edition 1899 near to Chapman's Lane where the said lane turns to the west.

MID-KENT WATER.

Order empowering the Mid-Kent Water Company to extend their Limits of Supply.

Mid-Kent.

1. This Order may be cited as the Mid-Kent Water Order 1902.

Short title.

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

Commence-
ment of Order.

3. The Mid-Kent Water Act 1898 (in this Order referred to as "the Act of 1898") the Mid-Kent Water Act 1900 (in this Order referred to as "the Act of 1900.") the Mid-Kent Water Order 1901 (in this Order referred to as "the Order of 1901") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction
of Order.

4. The Waterworks Clauses Acts 1847 and 1863 are except where the same are expressly varied by this Order incorporated with and form part of this Order For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

Incorporation.

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

Interpretation.

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(No. 1) Act, 1902.

A.D. 1902.

Mid-Kent.
Undertakers.

Extension of
limits of
supply.

For protection
of Holling-
bourne District
Council.

6. The Mid-Kent Water Company incorporated by the Act of 1898 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

7. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits namely the parishes of Hollingbourne Lenham Leeds Broomfield and Harrietsham all in the county of Kent all the like powers privileges and authorities and be subject to all the like duties liabilities and obligations as they now have and are subject to within the limits of the Act of 1898 as extended by the Act of 1900 and the Order of 1901 and from and after the commencement of this Order the limits of the Act of 1898 as extended by the Act of 1900 and the Order of 1901 shall be deemed to include the said new limits.

8. For the protection of the rural district council of Hollingbourne (in this section called "the rural council") the following provisions shall apply and have effect (that is to say):—

- (1) The Undertakers shall lay the mains and complete the works necessary to supply the whole of the parishes of Broomfield Hollingbourne Harrietsham Leeds and Lenham (hereinafter in this section referred to as "the five parishes") with a sufficient and satisfactory supply of water for public and domestic purposes within twelve months from the commencement of this Order:
- (2) If at the end of such period of twelve months the Undertakers shall not be furnishing such sufficient and satisfactory supply as in the last preceding sub-section mentioned to each and all of the five parishes the Undertakers shall be liable to a penalty of not less than two pounds for each and every day upon which such default shall take place which shall be recoverable summarily by the rural council:
- (3) If after the expiration of two years from the commencement of this Order the Undertakers shall not be furnishing a sufficient supply of water for public and private purposes to the five parishes the powers by this Order granted to the Undertakers for supplying the five parishes with water or in relation thereto shall cease except as to so much thereof as are then being supplied:
- (4) The supply for public purposes to the five parishes shall be by measure and the Undertakers shall at their own expense supply and maintain the necessary meters and fittings for measuring the same in proper order for correctly registering the quantity of water supplied which meters and fittings shall at all times be open to the inspection and examination of the rural council for the purpose of testing the accuracy of such meters and fittings:
- (5) The Undertakers shall supply to the rural council such quantity of water for public purposes for the five parishes as may be agreed upon by the Undertakers and the rural council or in case of disagreement in such quantities as may be ascertained by arbitration in manner hereinafter in this section provided:

[2 EDW. 7.] *Gas and Water Orders Confirmation* [Ch. ccxlviii.]
(No. 1) Act, 1902.

(6) The price at which the Undertakers shall supply the rural council with water for public purposes shall be at the rate of one shilling and three-pence per one thousand gallons until the supply taken by the rural council in any one year for such purposes shall amount to three hundred and twenty thousand gallons. All water supplied by the Undertakers to the rural council for such purposes in excess of such last-mentioned amount per annum shall be supplied at the rate of one shilling per every one thousand gallons supplied over and above three hundred and twenty thousand in any year :

A.D. 1902:

Mid-Kent.

(7) Any person duly authorised by the rural council may at any time after not less than twenty-four hours previous notice in writing to the secretary of the Undertakers enter on the property of the Undertakers for the purpose of taking and carrying away samples of the water and any person who molests hinders or obstructs any such person in the performance of his duty under this sub-section shall be liable to a penalty not exceeding ten pounds for every such offence which shall be recoverable summarily :

(8) Any difference which may arise between the Undertakers and the rural council under this section shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

9.—(1) Whenever the Undertakers shall exercise the power conferred by the Waterworks Clauses Act 1847 of breaking up any main road within the new limits of supply for the purpose of laying or repairing or removing pipes the Undertakers 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 the said road or path during a period of not more than twelve months in the whole from the time when the said surveyor shall have been so notified as aforesaid shall be paid by the Undertakers to the Kent County Council. Provided that nothing herein contained shall prejudice or affect the rights of the Undertakers or the said council or the obligations of the Undertakers under the Waterworks Clauses Act 1847 and the Local Government Act 1888.

For protection
of Kent
County
Council.

(2) Any alteration repair or improvement of any of the bridges or roads repairable by the county council of Kent or any alteration of or in the position of the same may be made as if this Order had not passed and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Order 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 Undertakers 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.

10. The provisions of section 14 of the Mid-Kent Water Order 1888 shall be deemed to apply to any works constructed by the Undertakers under the authority of this Order and the exercise of the powers of this Order as if the

For protection
of South
Eastern and
London
Chatham and

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- A.D. 1902. said provisions were re-enacted in this Order. Provided that the provisions of sections 14 and 15 of the said Order shall so far as regards any works constructed by the Undertakers under the authority of this Order and the exercise of the powers of this Order also enure for the protection and benefit of the London Chatham and Dover Railway Company as if that company had been expressly mentioned in the said sections.
- Mid-Kent.*
Dover Rail-
way Com-
panies.
- Costs of Order. 11. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

PINXTON WATER.

- Pinxton.* *Order authorising the maintenance and continuance of Waterworks and the supply of Water in a portion of the Parish of Pinxton in the County of Derby.*
- Short title. 1. This Order may be cited as the Pinxton Water Order 1902.
- Commence-
ment of Order. 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."
- Incorporation
of general Acts. 3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order.
- Interpretation. 4. In this Order the several words terms and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Gas and Water Works Facilities Act 1870 have the same respective meanings and the expression "deposited maps" shall mean the maps deposited for the purpose of this Order.
- Undertakers. 5. The Pinxton Coal Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if the undertaking is at any time assigned to any other body company or person such body company or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the company above mentioned. But no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board. Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking not exceeding the amount by this Order prescribed or

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shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage. A.D. 1902.

Pinxton.

Limit of Order.

6. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be so much of the parish of Pinxton containing an area of six hundred and twenty-four acres or thereabouts as is surrounded by a green line on the map deposited for that purpose with the Board of Trade and signed by an assistant secretary of the Board of Trade and is contained within a line drawn from a point in Birchwood Lane at the southernmost intersection of the said lane by the boundary of the said parish in a northerly direction along the said lane to the point where the said lane again intersects the boundary of the said parish thence in a north-easterly direction along the said boundary to the intersection of the said boundary and Pinxton Lane thence for a distance of one hundred and eighty yards or thereabouts along the south-western side of Pinxton Lane aforesaid to the junction therewith of a footpath forming the eastern boundary of a field numbered 80 on the Ordnance survey map of the said parish 1900 edition thence along the said footpath to the junction therewith of Starth Lane thence in a south-easterly direction along Starth Lane to the junction therewith of Suff Lane thence in a similar direction through the plots numbered respectively 138 160 and 183 on the said Ordnance map to the north-western end of Victoria Road thence along Victoria Road aforesaid to the junction therewith of Church Lane thence in an easterly direction along Church Lane aforesaid to the junction therewith of Kirkstead Road thence in a southerly direction for a distance of two hundred and seventy yards or thereabouts along Kirkstead Road aforesaid to the south-eastern corner of the Board School buildings thence in a straight line slightly to east of Kirkstead Road aforesaid across Wharf Lane at the junction of Wharf Lane aforesaid with Redgate Street to the said boundary thence along the said boundary to the point in Birchwood Lane first hereinbefore mentioned.

7. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no company authorised by this Order to supply water therein.

Where Under-
takers not
furnishing
sufficient
supply local
authority or
company may
supply.

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

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(No. 1) Act, 1902.

A.D. 1902.

Capital.

Pinxton.
Capital.

8. The capital of the Undertakers for the purposes of the undertaking shall not exceed three thousand pounds consisting of the capital already expended on the undertaking by the Undertakers amounting to one thousand four hundred pounds in this Order referred to as "the original capital" and of additional capital in this Order referred to as "the additional capital" not exceeding one thousand six hundred pounds unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limit of
borrowing
powers.

9. The amount of all money borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole seven hundred and fifty pounds and no higher rate of interest than five pounds per centum per annum shall be paid up by the Undertakers without the consent of the Board of Trade in respect of any money borrowed by the Undertakers and secured as aforesaid.

Limit of
dividend on
capital.

10. The Undertakers shall not in any year make out of their profits any larger dividend on the said capital than ten pounds in respect of every one hundred pounds of the original capital and seven pounds in respect of every one hundred pounds of the additional capital actually paid up. Provided that if and so long as the undertaking is carried on by the Pinxton Coal Company Limited or their assigns (not being a duly constituted company hereafter to be formed for the sole purpose of carrying on the undertaking) as Undertakers in construing this section the expression "actually paid up" shall be deemed to mean actually expended on or actually being used for the purposes of the undertaking.

Lands.

Power to
acquire lands.

11. The Undertakers may hold and use such of the lands more particularly referred to in section thirteen of this Order and upon which are constructed their existing waterworks as they may require for the purposes of the undertaking and they may by agreement purchase or take on lease and use any other lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the parties to the agreements have an interest) in over or affecting any lands which they may require for such purposes. Provided always that they shall not create or permit a nuisance on any lands held by them for the purposes of the undertaking and that they shall not at any time hold for such purposes more than five acres of land. Provided also that no building shall be erected on such lands except such as are required for the purposes of the undertaking.

Persons under
disability may
grant ease-
ments &c. to
Undertakers.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release for the purposes of the undertaking lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any

[2 EDW. 7.] *Gas and Water Orders Confirmation* [Ch. ccxlviii.]
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easement right or privilege (not being an easement of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

A.D. 1902.
Pinxton.

13. The Undertakers may upon the lands held by them for the purposes of this Order maintain and continue alter and enlarge renew or discontinue their existing waterworks hereinafter described together with all needful pipes culverts cuts drains sluices engines pumps filtering beds and works connected therewith and may subject to the provisions of this Order supply and sell water within the limits of supply.

Power to make works.

The works hereinbefore referred to are wholly situate in the parish of Pinxton in the county of Derby and are as follows:—

- (1) A reservoir for service and storage purposes situate in a field belonging or reputed to belong to the Undertakers lying to the north-west of Pinxton Parish Church and numbered 218 on the Ordnance Survey map of the parish of Pinxton 1900 edition:
- (2) A filter bed and a tank situate in a field belonging or reputed to belong to the Undertakers numbered 217 in the said Ordnance Survey map:
- (3) A pumping station situate in the last-mentioned field.

14.—(1) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over, under or on the level of the line of railway the property of the Midland Railway Company between the Pye Bridge and Pinxton Stations or crossing over under or on the level of the banks or under the basin of the Erewash Valley Branch of the Cromford Canal also the property of the said Midland Railway Company shall so far as they may affect such railway or canal or the lands or property connected therewith of the Midland Railway Company be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer of the Midland Railway Company and in accordance with plans and sections previously submitted to and approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions Provided that where any mains or pipes require to be laid under or over any level crossing of the said railway the Midland Railway Company may if they elect so to do themselves lay such mains or pipes at the costs charges and expenses of the Undertakers.

For protection of Midland Railway Company.

(2) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and canal.

(3) The Undertakers shall at all times keep the Midland Railway Company indemnified against all damages losses expenses or injuries which they or the traffic on the said railway or canal may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes as aforesaid.

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Pinxton.

(4) If the Midland Railway Company at any time hereafter require to construct any additional or other works upon their canal lands or railways or to alter renew or repair the railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the Midland Railway Company may on giving to the Undertakers seven days notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient and expeditious a manner as circumstances will permit and doing as little damage as may be but in case the Undertakers shall sustain loss in consequence of the negligent exercise of the above power the Midland Company shall be liable for fair compensation in respect thereof.

For protection
of Great
Northern
Railway
Company.

15. For the protection of the Great Northern Railway Company (hereinafter called the "the Great Northern Company") the following provisions shall (unless with the previous consent of the Great Northern Company) apply and have effect (that is to say):—

- (1) The Undertakers shall lay down or execute the repairs or renewals of any main pipes or other works in the exercise of the powers contained in this Order in any street now or hereafter belonging to or repairable by the Great Northern Company or in any part of any street which may be situate under over or across the railways lands or property now or hereafter belonging or leased to or used by the Great Northern Company so as not to interfere with the structure of any bridge over or under any railway belonging to or worked by the Great Northern Company and under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Northern Company and according to such plans and sections and with such materials and in such manner and at such times as shall first be reasonably approved by him in writing and the Undertakers shall comply with all directions which the said engineer may give for the purpose of preventing injury to the railways works or property of the Great Northern Company or interruption to the traffic on such railways Provided that the Undertakers shall not commence any such works as aforesaid until after 48 hours notice in writing to the said principal engineer of the Great Northern Company or in case of emergency such notice as may be reasonably practicable.
- (2) All such work shall be done at the expense of and except as in this section otherwise provided by the Undertakers who shall also restore and make good to the reasonable satisfaction of the said engineer any such street or part of a street as aforesaid so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers Provided always that the Great Northern Company may themselves elect to execute any such work at the costs charges and expenses of the Undertakers but in such case the Great Northern Company shall

use all due diligence in executing such work and shall complete the same to the reasonable satisfaction of the Undertakers:

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(3) The Undertakers shall be responsible for and make good to the Great Northern Company all losses damages and expenses which may be occasioned to the Great Northern Company by or by reason of the execution or failure of any of the intended works or by reason of any act default or omission of the Undertakers or their contractors for the intended works or any part thereof or otherwise or of any person in the employment of the Undertakers or of such contractors and the Undertakers shall effectually indemnify the Great Northern Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission:

(4) The Undertakers shall not construct any pit for stop-cock or similar work in any such street or part of a street as aforesaid without the previous written consent of the said engineer and in the event of the level of the railway adjoining any pit for stop-cock or similar work being at any time altered the Undertakers shall at their own expense raise or lower the pit to the new surface and execute all work necessary in connection with the alteration thereof:

(5) The Great Northern Company may for the purposes of repairing altering widening or extending their railways sidings bridges stations or works divert or alter the level of any such main pipe or other work as aforesaid in as convenient and expeditious a manner as circumstances will permit and doing as little damage as may be but the Great Northern Company shall not be liable to pay any compensation in respect of any such diversion or alteration:

(6) Any dispute or difference which may arise between the Great Northern Company and the Undertakers as to this section or anything to be done or not to be done thereunder shall be determined by an arbitrator to be appointed (unless otherwise agreed) by the Board of Trade on the application of either party after notice to the other.

16. Except as in this Order otherwise provided if any difference arises between the Undertakers and any railway canal or other company whose land or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their aqueducts conduits or lines of pipes or the facilities to be afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Proviso in case of dispute with railway canal or other company.

Supply.

17. The water to be supplied by the Undertakers shall be constantly laid on under pressure but the Undertakers shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken.

Constant supply and pressure.

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(No. 1) Act, 1902.

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Rates at
which water
to be supplied
for domestic
purposes.

18. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house who under the provisions of this Order is entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes (including the supply of one water closet for which no additional charge shall be made) at rates not exceeding the rates hereinafter specified (that is to say):—

If the rateable value of the premises so supplied does not exceed five pounds the rate of eight shillings and eightpence per annum;

If such rateable value exceeds five pounds but does not exceed seven pounds the rate of twelve shillings per annum;

If such rateable value exceeds seven pounds but does not exceed ten pounds the rate of sixteen shillings per annum;

If such rateable value exceeds ten pounds and does not exceed fifteen pounds the rate of twenty-four shillings per annum;

If such rateable value exceeds fifteen pounds but does not exceed twenty pounds the sum of thirty shillings per annum;

If such rateable value exceeds twenty pounds the rate of seven pounds ten shillings per centum per annum upon such rateable value and so in proportion for any shorter period:

Provided always that the Undertakers shall not be compellable to afford a supply of water for domestic purposes for any less sum than eight shillings and eight pence in any one year and that the Undertakers shall not be entitled in any case to demand in respect of any premises or part of any premises included in any division of the above scale a greater sum of money than they would be entitled to demand if such premises were of just such higher rateable value as would bring them within another division of the said scale:

Provided also that at any time after the expiration of five years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said rates by substituting any other rates not exceeding the said rates for the said rates and as from the date specified in such Order the rates at which the Undertakers may charge for water supplied by them for domestic purposes shall be in accordance with such Order.

A copy of any such Order made by the Board of Trade shall be served upon the Undertakers at their registered office and shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be primâ facie evidence of the due making and validity of the same and of the contents thereof.

For the purposes of this section the rateable value shall be ascertained by the valuation list in force at the time in the district in which the premises in respect of which the water rate is made is situate and if there should be no such valuation list then by the last rate for the relief of the poor made in respect of such premises. Provided that where the water is chargeable on the rateable value of a part only of any hereditaments entered in the valuation

[2. EDW. 7.] *Gas and Water Orders Confirmation* [Ch. ccxlviii.]
(No. 1) Act, 1902.

list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

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19. In addition to the rates for the supply of water chargeable under the preceding section the Undertakers may demand and receive for every water-closet beyond the first (for which no additional charge shall be made) in any house a yearly sum not exceeding five shillings per annum and for every private fixed bath in any house a yearly sum not exceeding ten shillings per annum such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths but the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons. Provided always that the Undertakers shall not be compelled to supply with water any watercloset or any private fixed bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Undertakers or the return of foul air or noisome and impure matter into the mains or pipes of the Undertakers. Provided that the foregoing provision shall not entitle the Undertakers to cut off or discontinue the domestic supply of the premises in which such watercloset or bath is situate.

Rates for
waterclosets
and baths.

20. The Undertakers shall at the request of any consumer of water for purposes other than the purposes for or in respect of which the rates or charges are hereinbefore provided or limited afford a supply of water by meter and may charge for such supply not exceeding the rate per one thousand gallons of one shilling and sixpence and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or other instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as water rates.

Rates for
water when
supplied by
meter.

21. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district within which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply. The said provisions are as follows:—

Undertakers
may make
regulations
for preventing
waste &c. of
water.

- (i) The Undertakers may make regulations for the purpose of preventing the waste or misuse or contamination of water and may by such regulations prescribe the size nature materials workmanship and strength of the pipes cocks ferrules valves soilpans waterclosets baths cisterns and other apparatus or receptacles 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 lead to such waste or misuse or contamination:

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- (ii) No such regulation shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same :
- (iii) No such regulation 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 regulation shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of thirty days make such representation with reference thereto to the Local Government Board as such authorities shall respectively think expedient :
- (iv) All such regulations in force for the time being shall be published by a copy thereof being kept at the registered office of the Undertakers All persons may at all reasonable times inspect such copy without payment and the Undertakers 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 twopence for each copy :
- (v) A printed copy of any such regulations as aforesaid dated and purporting to be made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such regulations without other or further proof :
- (vi) In case of failure of any such person to observe such regulations as are for the time being in force the Undertakers may (notwithstanding any contract or otherwise) if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe valve cock cistern bath soil-pan watercloset or other apparatus or receptacle belonging to or used by any person supplied by them and not being in accordance with such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable :
- (vii) Any person who offends against any such regulations shall (without prejudice to any right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

Water supplied by agreement in bulk.

22. The Undertakers may by agreement supply any local authority company or person with the consent of the local authority of and of any company or person supplying water under Parliamentary authority in the

[2 EDW. 7.] *Gas and Water Orders Confirmation* [Ch. ccxlviii.]
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district within which such supply is to be afforded without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such local authority company or person but notwithstanding any such agreement no such local authority company or person shall be entitled to a supply under such agreement whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes within the limits of supply and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing. Provided that nothing herein contained shall be construed as conferring upon the Undertakers any power in relation to laying down or placing any pipe or conduit or breaking up any road or street or executing any work beyond the limits of supply without the consent in writing of the local authority and road authority of such district or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

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23. The Undertakers may if requested furnish to any person supplied or about to be supplied or any part of whose property or premises is supplied or about to be supplied by them with water and may renew repair or alter but shall not manufacture any pipes cisterns valves ferrules cocks fittings meters baths soil-pans waterclosets apparatus and receptacles and fittings 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 Undertakers in providing such materials and executing such work shall be paid by the person requiring the same.

Power for Undertakers to supply materials.

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

Undertakers to keep meters &c. in repair.

25. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers. Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such justices shall be final and binding on all parties.

Register of meters &c. to be evidence.

26. Before any person connects or disconnects any meter by which any of the water of the Undertakers is intended to be or has been registered he

Penalty for connecting or disconnecting

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meter without
notice to
Undertakers.

shall give not less than twenty-four hours notice in writing to the Undertakers of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

As to recovery
of charges for
supply of
water.

27. All charges for the supply of water due to the Undertakers under any agreement for the supply of water may be recovered in all respects as water rates are recoverable and the Undertakers shall have in respect to such charges all such and the like powers and remedies as they for the time being have with respect to water rates.

When several
houses sup-
plied by one
pipe each to
pay.

28. 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 to which they would have been liable if each of such several houses or parts of houses had been separately supplied with water from the waterworks of the Undertakers by a distinct pipe Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

Supply of
water to tene-
ments in a row

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

Penalties.

Injuring
meters &c.

30. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage sustained by them And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring

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the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Undertakers by the offender and may be recovered by them as water rates are recoverable and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument of fittings.

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

Mis-user where supply to several houses is by a pipe common to all.

Miscellaneous.

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

Incoming tenant not liable to pay arrears.

33. A notice to the Undertakers 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 registered office for the time being of the Undertakers.

Notice of discontinuance.

34. A justice or a judge of any county court or quarter sessions shall not (except as in this Order expressly provided) be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rent meter rent rate or charge under this Order or by reason of his being a shareholder in the undertaking.

Liability to water rent &c. not to disqualify justice &c.

35. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in a schedule thereto several sums.

Contents of summons.

36. Any justice who issues a warrant of distress for any of the purposes of this Order may order that the costs 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.

Costs of distress.

37. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Order and

Penalties not cumulative.

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(No. 1) Act, 1902.

A.D. 1902. any Act incorporated wholly or in part with this Order shall be deemed
Pinxton. several Acts.

Costs of Order 38. All costs charges and expenses of and incidental to the preparing for
obtaining and passing of the Act confirming this Order or otherwise in
relation thereto shall be paid by the Undertakers.

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