



CHAPTER xxxii.

An Act for authorising the Mid Kent Water Company to acquire lands for the protection of their waterworks for conferring further powers upon the Company and for other purposes. A.D. 1928.
—
[2nd July 1928.]

WHEREAS the Mid Kent Water Company (in this Act called "the Company") were incorporated by the Mid Kent Water Act 1898 (in this Act called "the Act of 1898") and by the Mid Kent Water Acts and Orders 1898 to 1923 were empowered to construct works and to supply water within the limits thereby prescribed:

And whereas by the Mid Kent and East Kent District Water Act 1913 (in this Act referred to as "the Act of 1913") the Company were (inter alia) authorised to construct additional waterworks of which certain works (in that Act and in this Act referred to as "the joint works") are intended to afford a supply of water for the use of the inhabitants of places within the limits of supply of the East Kent District Water Company (in this Act referred to as "the East Kent Company") as well as for the inhabitants within the limits of supply of the Company and provision was therefore made by the Act of 1913 for the joint construction ownership and user of the joint works by the Company and the East Kent Company:

And whereas the joint works authorised by the Act of 1913 have been constructed including in particular

A.D. 1928. — a pumping station together with wells bores adits headings and other works known as and in the Act of 1913 and in this Act called "the Barham pumping station" and large quantities of water are now being supplied therefrom within the limits of supply of the Company and of the East Kent Company :

And whereas it is expedient for the purpose of preventing the contamination of and ensuring the continued purity of the water supplied from the Barham pumping station that the Company should be empowered to acquire and hold the lands in this Act described and to exercise the other powers in relation to such lands in this Act contained :

And whereas by certain provisions of the Act of 1913 and of the Mid Kent Water Act 1923 (in this Act called "the Act of 1923") it was in effect provided that the Company should lay down certain lines of pipes within the district of the East Ashford Rural District Council upon certain agreed terms and conditions :

And whereas subsequent to the passing of the Act of 1923 it was agreed between the Company and the said East Ashford Rural District Council that having regard to certain changes of circumstances since the passing of that Act the lines of pipes referred to in the hereinbefore mentioned provisions should not be laid down by the Company but that in lieu thereof certain other lines of pipes should be laid down by the Company which said substituted lines of pipes have since the date of such agreement either been laid down or are in process of being laid down :

And whereas it is accordingly expedient that the provisions of the Acts of 1913 and 1923 hereinbefore referred to should be repealed :

And whereas it is expedient that such further provisions should be made and that such further powers should be conferred upon the Company as are in this Act contained :

And whereas plans showing the lands required or which may be taken for the purposes of or under the powers of this Act and a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace

for the county of Kent and those plans and book of reference are in this Act respectively referred to as the deposited plans and book of reference : A.D. 1928.

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

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

1. This Act may be cited as the Mid Kent Water Act 1928 and the Mid Kent Water Acts and Orders 1898 to 1923 and this Act may be cited together and are in this Act referred to as the Mid Kent Water Acts and Orders 1898 to 1928 and the Act of 1898 the Mid Kent Water Act 1900 so much of the Act of 1913 as relates to the Company or their undertaking the Act of 1923 and each of the Mid Kent Water Orders 1901 1902 1903 1906 and 1907 and the Order of 1920 is hereinafter referred to separately as the Act or Order of the year in which the same or the Act confirming the same as the case may be was passed. Short and collective titles.

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

(1) The Waterworks Clauses Acts 1847 and 1863 (except the words " with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner " in section 44 of the Waterworks Clauses Act 1847); and

(2) The Lands Clauses Acts ;

Provided always that any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Minister of Health on the application of either party.

A.D. 1928.

Interpreta-
tion.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have the same respective meanings And—

The expression “the Company” means the Mid Kent Water Company;

The expression “the East Kent Company” means the East Kent District Water Company;

The expression “the limits of supply” means the limits for the time being of the Company for the supply of water;

The expression “the undertaking” means the undertaking for the time being of the Company authorised by the Mid Kent Water Acts and Orders 1898 to 1928;

The expression “the Barham pumping station” means the Barham pumping station authorised by the Act of 1913;

The expression “the scheduled agreement” means the agreement dated the nineteenth day of March one thousand nine hundred and thirteen and made between the Company of the one part and the East Kent Company of the other part which is set out in the second schedule to the Act of 1913;

The expression “the joint works” shall have the meaning assigned to that expression in the first paragraph of the scheduled agreement.

Purchase
of certain
lands to
safeguard
water
supplies.

4. For the purpose of preventing the contamination of or interference with any waters which can or may be intercepted or taken at the Barham pumping station of the Company and of ensuring the continued purity of the waters to be obtained therefrom the Company may enter upon and take the lands hereinafter described as shown on the deposited plans and described in the deposited book of reference and may hold and use the same for the purposes of and in connection with their water undertaking.

The lands above referred to are the following lands situate wholly in the rural district of Bridge in the county of Kent (namely):—

(a) Lands in the parish of Kingstone (otherwise Kingston) comprising an area of 5.44 acres or

thereabouts and being part of the field or enclosure numbered in the said parish 112 on the $\frac{1}{2500}$ Ordnance sheets Nos. LVII.5 and LVII.1 (second edition 1898) bounded on the north-east by the Elham Valley Railway of the Southern Railway Company on the north-west by lands forming the field or enclosure numbered 123 on the said $\frac{1}{2500}$ Ordnance sheet No. LVII.1 on the south-west by other lands forming part of the said field or enclosure numbered 112 as aforesaid and now or formerly part of Whitelock Farm and on the south-east partly by lands belonging to the Company and partly by the lands next hereinafter described :

- (b) Lands in the said parish of Kingstone (otherwise Kingston) comprising an area of four acres or thereabouts and being part of the said field or enclosure numbered 112 on the $\frac{1}{2500}$ Ordnance sheets Nos. LVII.5 and LVII.1 (second edition 1898) bounded on the north-east by lands belonging to the Company on the north-west by the lands lastly hereinbefore described on the south-west by lands forming part of the said field or enclosure numbered 112 as aforesaid and on the south-east by Covet Lane :
- (c) Lands in the parish of Barham comprising an area of 6.33 acres or thereabouts and being part of the field or enclosure numbered in the said parish 130 on the $\frac{1}{2500}$ Ordnance sheet LVII.5 (second edition 1898) bounded on the east mainly by lands belonging to the Company on which the Barham pumping station is situate on the north-west by Covet Lane and on the south-west west and south by lands forming part of the said field or enclosure numbered 130 and now or formerly part of Heart's Delight Farm.

5. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October one thousand nine hundred and twenty-eight.

Period for compulsory purchase of lands.

6.—(1) All private rights of way over any lands which the Company are authorised by this Act to acquire

Extinction of private

A.D. 1928.

rights of
way.

compulsorily shall as from the date of the acquisition of such lands by the Company be extinguished.

(2) Provided that the Company shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Compensa-
tion in case
of recently
acquired
interests &c.

7. In settling any question of disputed purchase money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in lands created after the nineteenth day of November one thousand nine hundred and twenty-seven if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Correction
of errors in
deposited
plans and
book of
reference.

8. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Kent for the correction thereof and if it appears to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Kent and a duplicate thereof shall also be deposited with the clerk of the rural district council of Bridge and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the rural district council of Bridge respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands in accordance with such certificate.

9. The Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

A.D. 1928.

—
Power to
Company
to enter
upon
property for
survey and
valuation.

10. The tribunal to whom any question of disputed compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company shall have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Costs of
arbitration
in certain
cases.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

[Ch. xxxii.] *Mid Kent Water* [18 & 19 GEO. 5.]
Act, 1928.

A.D.-1928.
—
Application
of provisions
of Acts of
1898 and
1913.

11. The provisions of the following sections of the Acts of 1898 and 1913 shall extend and apply so as to enable the Company to exercise the powers of those sections respectively in relation to all or any of the lands the purchase of which is by this Act authorised (namely) :—

The Act of 1898—

Section 59 (Company may lease &c. spare lands of undertaking Reservation of water rights on sale).

The Act of 1913—

Section 19 (Persons under disability may grant easements);

Section 21 (Power to agree as to drainage of lands);

Section 22 (Power to hold lands for protection of waterworks).

Purchase of
additional
lands by
agreement
&c.

12. The Company may in addition to any other lands now belonging to them or which they are by this Act authorised to purchase compulsorily purchase take on lease or acquire by agreement and hold any lands not exceeding in the whole twenty acres and may on all or any of the lands the compulsory purchase of which is by this Act authorised and all or any of such additional lands execute for the purposes of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 and the Company may also purchase by agreement any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) in under or over such additional lands which they may think requisite Provided that so long as any lands acquired by or leased to the Company under this section are held by them the Company shall not on any such lands cause or permit a nuisance or erect or authorise or permit the erection of any buildings other than offices and dwellings for persons in their employ and buildings connected with or necessary for the undertaking.

13. The lands authorised by this Act to be purchased compulsorily by the Company shall be deemed to be lands required for the purposes of the joint works and shall be held by the Company for the purposes of the scheduled agreement on behalf of the Company and the East Kent Company in the agreed shares as defined by the scheduled agreement and the rights and interests of each of the Company and the East Kent Company as defined by the scheduled agreement in or in relation to such lands shall for all purposes whatsoever form part of and be comprised in the undertaking of that company.

A.D. 1928.

—
As to rights and interests of Company and East Kent Company in lands.

14. Where a person who takes a supply of water for domestic purposes from the Company desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Company shall be entitled to require that all water so used shall—

Charges for supplies to refrigerators.

- (1) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or
- (2) be paid for at such rates as may be agreed between the consumer and the Company.

15. Notwithstanding anything in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipe therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Company to connect communication pipes with mains.

16. If the owner of any house supplied with water by the Company when so required in pursuance of section 72 (Company not bound to supply several houses by one pipe) of the Act of 1898 fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Company may themselves do the work neces-

Separate communication pipes may be required.

A.D. 1928.

sary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

Extension
of section 60
of Water-
works
Clauses Act
1847.

17. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

Special
terms for
supplies to
caravans &c.

18.—(1) Notwithstanding anything in any Act or Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take a supply of water by meter and to pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement 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 the justices shall be final and binding on all parties.

Liability to
water rate
not to dis-
qualify
justices.

19. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order for the time being relating to the Company by reason of his being liable to any water rate.

20.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper circulating in the limits of supply.

A.D. 1928.
 —
 Closing of
 transfer
 books &c.

(2) Any transfer of shares or stock or mortgages or debenture stock made during the time when the register of transfers of such shares stock or security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequent to the declaration of any such dividend or the payment of any such interest as the case may be.

21. The Company may from time to time in respect of the capital raised under the *Mid Kent District Water Acts and Orders 1898 to 1923* borrow on mortgage of the undertaking without the certificate of a justice of the peace any sum or sums not exceeding in the whole the sum of one hundred and fifty-nine thousand three hundred and sixteen pounds.

Borrowing
 powers in
 respect of
 existing
 capital.

22. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Application
 of existing
 capital.

23. Where the payment of more than one sum by any person is due under any Act or Order for the time being relating to the Company any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several
 sums in one
 summons.

24. Penalties imposed under any Act or Order for the time being relating to the Company for one and the same offence shall not be cumulative.

Penalties
 not cumula-
 tive.

25. Save as otherwise by this Act expressly provided all offences against any Act or Order for the time being relating to the Company and all penalties for-

Recovery
 of penalties
 &c.

A.D. 1928. — feitures costs and expenses imposed or recoverable under any such Act or Order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

26. Proceedings for the recovery of any demand made under the authority of any Act or Order for the time being relating to the Company whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Repeal of certain provisions for protection of East Ashford Rural District Council.

27. The following provisions of the undermentioned Acts are hereby repealed (that is to say) :—

The Act of 1913—

Subsection (2) of section 44 (For protection of East Ashford Rural District Council).

The Act of 1923—

Section 20 (For protection of East Ashford Rural District Council) except subsection (5) thereof.

Repeals.

28. The following provisions of the undermentioned Acts are hereby repealed (that is to say) :—

The Act of 1898—

Section 79 (Contents of summons &c.).

The Act of 1913—

Section 74 (Recovery of penalties &c.);

Section 75 (Recovery of demands);

Section 76 (Penalties not cumulative).

The Act of 1923—

Section 38 (Recovery of penalties &c.);

Section 39 (Recovery of demands);

Section 40 (Penalties not cumulative).

29. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and the East Kent Company in such proportions as may be agreed between them or failing agreement in such proportions as the parliamentary agents for the Bill for this Act shall deem just and equitable.

A.D. 1928.

—
Costs of
Act.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses :
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES

REPORT OF THE
COMMISSION ON THE
STRUCTURE OF THE
ATMOSPHERE
AND THE
OCEAN

REPORT OF THE
COMMISSION ON THE
STRUCTURE OF THE
ATMOSPHERE
AND THE
OCEAN

REPORT OF THE
COMMISSION ON THE
STRUCTURE OF THE
ATMOSPHERE
AND THE
OCEAN