



CHAPTER xxxii.

An Act to confirm a Provisional Order of A.D. 1929.
the Minister of Health relating to Knebworth
Water. [20th December 1929.]

WHEREAS under the provisions of the Gas and 33 & 34 Vict.
Water Works Facilities Act 1870 and the Gas c. 70.
and Water Works Facilities Act 1870 Amendment Act 36 & 37 Vict.
1873 the Minister of Health has made an Order which c. 89.
is set out in the schedule hereto :

And whereas it is requisite that the said Order
should be confirmed by 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. The Order set out in the schedule hereto shall Order in
be and the same is hereby confirmed and all the provisions schedule
thereof shall have full validity and force. confirmed.

2. This Act may be cited as the Ministry of Health Short title.
Provisional Order Confirmation (Knebworth Water) Act
1929.

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SCHEDULE.

KNEBWORTH WATER.

Knebworth Water Order. *Provisional Order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 to authorise the construction and maintenance of waterworks in the Rural District of Hitchin and the supply of water in part of the Rural District of Hitchin in the County of Hertford.*

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :—

PART I.

PRELIMINARY.

Short title.

1. This Order may be cited as the Knebworth Water Order 1929.

Commence-
ment of
Order.

2. This Order shall come into operation upon the date of the Act of Parliament confirming it.

Incorpora-
tion of
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 inconsistent with or expressly varied by this Order hereby incorporated with and form part of this Order.

Interpre-
tation.

4.—(1) In this Order the several words terms and expressions to which by the Acts in whole or in part incorporated with this Order or by the Gas and Water Works Facilities Act 1870 meanings are assigned shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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(2) In this Order unless the context otherwise requires—

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“deposited plans” and “deposited sections” mean respectively the plans and sections deposited for the purposes of this Order;

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Order.*

“the commencement of this Order” means the date upon which this Order comes into operation;

“the limits of supply” means the limits within which the provisions of this Order shall be in force and have effect;

“the Minister” means the Minister of Health;

“the Ordnance map” means the $\frac{1}{2500}$ Ordnance map of the parish of Knebworth in the rural district of Hitchin and county of Hertford edition of 1924;

“the Undertakers” means the persons who under Part II of this Order are the Undertakers;

“the undertaking” means the water undertaking authorised by this Order.

5. The limits within which the provisions of this Order shall be in force and have effect shall be the following parish and part of a parish in the county of Hertford (that is to say):—

Limits of
Order.

(a) the parish of Knebworth in the rural district of Hitchin;

(b) so much of the parish of Codicote in the said rural district as lies to the east of the main road from Codicote to Hitchin and to the north of the road leading from the said main road at or near the twenty-eighth milestone from London towards Nupend Green between the junction with the said main road and the point where the boundary of the parish of Codicote first meets the said road leading towards Nupend Green.

PART II.

UNDERTAKERS.

6.—(1) The Right Honourable Victor Alexander George Robert Lytton Second Earl of Lytton his heirs executors administrators or assigns shall be the Undertakers for the purposes of this Order.

Undertakers.

(2) If at any time the undertaking is assigned to any body company or person such body company or person shall from the date of the transfer be the Undertakers for the purposes of this Order in lieu of the person or persons mentioned in paragraph (1) of this article but no assignment shall have any validity or effect until after the approval of the Minister to such assignment has been signified under his official seal:

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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 prescribed by this Order or shall make the consent or approval of the Minister necessary to the validity of any such mortgage.

Capital.

7. The capital of the Undertakers for the purposes of the undertaking shall not exceed twenty thousand pounds unless any increase thereto be authorised after the commencement of this Order by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limit of
borrowing
powers and
interest.

8.—(1) The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-half of the amount of the paid-up capital and no higher rate of interest than six pounds per centum per annum shall be paid by the Undertakers without the consent of the Minister in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

(2) If and so long as the undertaking is carried on by an individual or individuals as undertakers and not by a duly constituted company in the construction of this Order and in the construction of the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit the expression "the paid-up capital" shall mean the capital actually expended or actually being used for the purposes of the undertaking.

Power to
sell under-
taking.

9. The Undertakers may with the approval of the Minister sell convey or assign the undertaking or any part thereof to any authority company or person upon such terms as may be agreed by and between the Undertakers and such authority company or person.

PART III.

LANDS.

Power to
use and
acquire
lands and
easements.

10.—(1) The Undertakers may use such of the lands shown on the deposited plans as they may require for the purposes of the undertaking so long as they are possessed of the lands so required or of any rights or easements entitling them so to do.

(2) The Undertakers may by agreement purchase take on lease acquire and use the lands described in the Schedule to this Order and 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 :

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Provided that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time purchase for such purposes more than ten acres of land in addition to the lands described in the said Schedule.

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11. The Undertakers may hold any lands belonging to them or acquired by them under this Order which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts :

Power to
hold lands
for protec-
tion of
waterworks.

Provided that the Undertakers shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the undertaking.

12. 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 right or privilege of taking water in which parties other than the grantors have an interest) 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 and to such easements rights and privileges respectively.

Persons
under
disability
may grant
easements
&c. to
Undertakers.

PART IV.

WORKS.

13. The Undertakers may maintain continue alter improve enlarge extend renew and repair the following existing works in the parish of Knebworth in the rural district of Hitchin and county of Hertford constructed by them (that is to say) :—

Confirma-
tion of
existing
works.

Work No. 1 A well and pumping station situate in the enclosure numbered 223 on the Ordnance map Sheet No. XX-7 ;

Work No. 2 An adit commencing at the pumping station Work No. 1 and terminating in the western corner of the enclosure numbered 215 on the said map at a point 30 yards or thereabouts measured in a southerly direction from the southernmost corner of the said pumping station ;

Work No. 3 An adit commencing at the pumping station Work No. 1 and terminating at a point 15 yards or thereabouts measured in a northerly direction from the northernmost corner of the said pumping station ;

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Work No. 4 An elevated service tank situate in the said enclosure numbered 223 on the said map on the northerly side of the said pumping station Work No. 1;

Work No. 5 A line of pipes commencing at the pumping station Work No. 1 and terminating in the service tank Work No. 4;

Work No. 6 A service tank or reservoir situate in the enclosure numbered 181 on the Ordnance map Sheet No. XX-11;

Work No. 7 A line of pipes commencing at the pumping station Work No. 1 and terminating in the said service tank or reservoir Work No. 6;

together with all conduits mains connections branch mains filters pumps tanks goits culverts embankments cuts drains sluices walls fences water-towers engines machinery pipes meters valves hydrants washouts road-boxes and every appliance whatsoever existing at the commencement of this Order for conveying water from the works and distributing the same throughout the area supplied at the commencement of this Order.

Power to
 construct
 waterworks
 and supply
 water.

14. The Undertakers may subject to the provisions of this Order supply and sell water within the limits of supply and may on the lands shown on the deposited plans while they are in possession of the same make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the following works situate in the parish of Knebworth in the rural district of Hitchin and county of Hertford:—

Work No. 8 An elevated tank or water-tower to be situate in the said enclosure numbered 223 on the Ordnance map Sheet No. XX-7 adjacent to the existing Works No. 1 and No. 4 mentioned in the preceding article of this Order The centre of Work No. 8 shall be at a point $2\frac{1}{2}$ chains or thereabouts measured in a north-westerly direction from the westernmost corner of Knebworth Rectory and 1 chain or thereabouts measured in a northerly direction from the easternmost corner of the pumping station Work No. 1;

Work No. 9 A well or borehole in the said enclosure numbered 215 on the Ordnance map Sheet No. XX-7 the centre of which work shall be at a point about 3 chains measured in a westerly direction from the westernmost corner of Knebworth Rectory and 12 chains or thereabouts measured in a northerly direction from the northern corner of the Manor House;

Work No. 10 A service tank or reservoir to be situate in the enclosure numbered 172 on the Ordnance map

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Sheet No. XX-11 the centre of which work shall be at a point 4 chains or thereabouts measured in a westerly direction from the westernmost corner of the house known as Parkwood and $3\frac{1}{2}$ chains or thereabouts measured in a south-westerly direction from the intersection of the centre lines of Park Lane and the entrance drive to Knebworth Lodge;

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together with all conduits mains connections branch mains filters pumps adits tanks goits culverts embankments cuts drains sluices walls fences water-towers engines machinery pipes meters valves hydrants washouts road-boxes and every appliance whatsoever for conveying water from the works and distributing the same throughout the limits of supply.

15. 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 plans and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards.

Limits of
 deviation.

16. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 :

Completion
 of works.

Provided that subject to the restrictions and provisions of this Order the Undertakers may alter enlarge and extend their engines machinery tanks wells reservoirs filters conduits pipes mains connections and other works by this Order authorised in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

17.—(1) The Undertakers may subject to the provisions of this Order take and collect by means of the works by this Order authorised to be maintained constructed and used for the purposes of the undertaking the waters of or arising in or flowing from any springs or waters situate in on or under the lands upon which those works are or are proposed to be situate.

Power to
 take water.

(2) The Undertakers shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Order or an Act of Parliament :

Provided that the deepening of any wells or boreholes which wells or boreholes are for the time being respectively authorised as aforesaid shall be deemed to be authorised by the Order or Act of Parliament authorising such wells or boreholes.

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PART V.

SUPPLY OF WATER.

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Limits of
pressure.

18. The water supplied by the Undertakers shall be laid on constantly under pressure but need not at any time be delivered at a greater height than can be reached by gravitation from the service tank reservoir or water-tower authorised by this Order (as the case may be) from which the supply is afforded.

Power to
district
council &c.
to supply
water in case
Undertakers
fail to
supply.

19.—(1) If 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 throughout the limits of supply the district council of any district in whole or in part within the limits of supply may provide a supply in accordance with the provisions of the Public Health Act 1875 or any such district council 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 the limits of supply not sufficiently supplied by the Undertakers and for the repeal of the powers of the Undertakers in that behalf.

(2) If any difference shall arise between the Undertakers and any such district council company body or person as to the sufficiency of the supply of water in any part of the limits of supply such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister.

Power to
lay pipes
in private
streets.

20. The Undertakers may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Order and as if the street were under the control or management of the local authority :

Provided that the Undertakers shall not exercise their powers under this article with respect to any street or road belonging to the London and North Eastern Railway Company except with the consent of that Company but such consent shall not be unreasonably withheld and in carrying out any works authorised by this article the Undertakers shall not obstruct or unreasonably interfere with the convenient access to any such street or road.

Differences
with road
authority.

21. If any difference shall arise between the Undertakers and any road authority whose lands or works the Undertakers have power to cross under the authority of this Order for the

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purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or as to the facilities to be afforded for the same or as to any other matter referred to in this Order the difference shall unless otherwise provided by this Order be settled by an engineer to be appointed by the Minister at the request of either party.

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22.—(1) The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes (which shall include one water-closet) at rates not exceeding the following :

Rates of
supply for
domestic
purposes.

Where the net annual value of the premises so supplied with water does not exceed eight pounds a year the sum of eight shillings and eightpence :

Where such net annual value exceeds eight pounds nine per centum of such net annual value.

(2) The Undertakers may demand and receive for every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply any additional sum not exceeding ten shillings per annum and for every fixed bath capable of containing not more than fifty gallons any additional sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such additional sum as the Undertakers may think fit any such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

23. In the event of the Minister being satisfied that the cost of labour and materials or other circumstances affecting the undertaking have substantially altered he may if he thinks fit on the application of the Undertakers or of a county council or the council of any district in whole or in part within the limits of supply made at any time after the expiration of five years from the commencement of this Order by order vary either by way of increase or decrease the rates for the supply of water authorised by the preceding article of this Order :

Revision of
rates and
charges.

Provided that—

- (i) the rates prescribed in any such order shall be of such respective amounts as to provide (after paying all proper expenses of and in connection with the working management and maintenance of the undertaking and making good depreciation and paying

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all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the capital of the undertaking due regard being had to any capital which may reasonably be expected to be expended by the Undertakers during the five years immediately following the date of such order;

- (ii) the rates for the time being in force under any such order may in the like event be varied in like manner at any time after the expiration of any or every period of five years after they were last altered.

Supply of
 water by
 meter.

24. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person 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 price of the meter or other instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate :

Provided that—

- (i) the price to be charged for a supply of water by measure shall not exceed three shillings per thousand gallons ;
- (ii) no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes within the limits of supply.

Charge for
 water
 used in
 garages &c.

25.—(1) Where water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept the Undertakers may if a hose-pipe or other similar apparatus is used charge any additional sum not exceeding twenty shillings per annum.

(2) The additional sums chargeable under this article shall be paid quarterly in advance and be recoverable in all respects with and as the rate for the supply of water for domestic purposes to the premises.

Charges for
 refrigerating
 apparatus.

26. Where a person who takes a supply of water from the Undertakers otherwise than by measure desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Undertakers may if they think fit require that

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all water used for or in connection with the said apparatus shall— A.D. 1929.

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(a) be taken by meter on the conditions and paid for at the rates for the time being in force for the supply of water by meter; or

(b) be paid for at such rates as may be agreed between such person and the Undertakers:

Provided that if the person is taking a supply of water from the Undertakers for domestic purposes only the minimum sum per quarter which may be demanded by the Undertakers for the water used for or in connection with the refrigerating apparatus shall not exceed ten shillings.

27. The charge for water supplied by the Undertakers for use in the erection of any building or part of a building shall not exceed seven shillings per one hundred pounds of the contract price for the building or if there is no such contract price of the estimated total cost of the building and a reasonable allowance shall be made by the Undertakers for decorative or timber iron or steel work not requiring the use of water. Price of supply for building purposes.

28. The purposes for which a supply of water is to be provided under section 37 of the Waterworks Clauses Act 1847 shall be deemed to include a supply of water for highway construction and maintenance. Water for highway construction and maintenance.

29. The Undertakers shall not be bound to supply with water otherwise than by meter— Supply to houses partly used for trade.

(a) any building used by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required; or

(b) any workhouse hospital asylum sanatorium school hotel or boarding-house capable of accommodating at least twelve persons or any other institution which is habitually occupied by at least twelve persons.

30. Where a supply of water to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter but nothing in this article shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the net annual value thereof. Supply to farm-houses.

31.—(1) The Undertakers may make such reasonable byelaws as shall be necessary or expedient for the purpose of preventing the contamination waste or misuse of water supplied by them and amongst other things may by byelaws prescribe the size nature and strength of the pipes cocks cisterns and Byelaws for preventing waste &c. of water.

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A.D. 1929. other apparatus whatsoever to be used and forbid any
— arrangements and the use of any pipes cocks cisterns or other
Knebworth apparatus which may tend to such contamination waste or
Water misuse of water :
Order.

Provided that—

(i) the byelaws shall be in force only within the area
in which the Undertakers are bound to afford and
do in fact afford or are prepared on demand to
afford a constant supply ;

(ii) the byelaws shall not apply to any pipes cocks
cisterns or other apparatus used on the premises
of the London and North Eastern Railway Company.

(2) The provisions with respect to byelaws contained in
sections 182 to 184 of the Public Health Act 1875 shall subject
to such modifications as may be necessary apply to all byelaws
made under this article.

(3) A copy of all such byelaws in force for the time being
shall be kept at an office of the Undertakers within the limits
of supply which copy shall be open to the inspection of all
persons at all reasonable times without payment and the
Undertakers shall also furnish a printed copy of all such
byelaws in force to every person applying for the same on
payment of a sum not exceeding sixpence for each copy.

(4) A printed copy of any such byelaws purporting to
be made and to have been confirmed by the Minister and
certified by the Undertakers to be a true copy shall be evidence
(until the contrary is proved) in all legal proceedings of the
due making confirmation publication or existence of the
byelaws without further or other proof.

(5) In case of the failure of any person to obey such
byelaws as are for the time being in force the Undertakers
may if they think fit after forty-eight hours notice in writing
to the occupier of the premises where such failure has occurred
enter and by and under the direction of their duly authorised
officer repair replace or alter any pipes cocks cisterns or other
apparatus whatsoever belonging to or used by any person
supplied by them and not being in accordance with the
requirements of such byelaws and the expense of every such
repair replacement or alteration shall be recoverable by the
Undertakers from the person in default as the water rates in
respect of the premises are recoverable.

Rates
payable by
owners of
small houses.

32. Where a house supplied with water is let to monthly
or weekly tenants or tenants holding for any other period less
than a quarter of a year the owner instead of the occupier shall
if the Undertakers so determine pay the rate for the supply of

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water but notwithstanding any such determination the rate may be recovered by the Undertakers from the occupier and may if so recovered and if the occupier be not himself liable for the water rate as between himself and the owner be deducted by the occupier from the rent from time to time due from him to the owner :

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Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

33. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words " with " the consent in writing of the owner or reputed owner of any " such house or of the agent of such owner " were omitted therefrom :

Amendment
of 10 & 11
Vict. c. 17
s. 44.

Provided that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner unless as between the owner and the occupier the occupier is liable to pay the rent.

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

Undertakers
not bound
to supply
several
houses by
one pipe.

35.—(1) 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 consumer in proper order for correctly registering the supply of water and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues.

Undertakers
to keep
meters in
repair.

(2) All meters so let for hire by the Undertakers shall remain and be the property of the Undertakers who 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.

36. Where water is supplied by measure the register of every meter or other instrument for measuring water supplied by the Undertakers or permitted by them to be used shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers :

Register of
meters to
be evidence.

Provided that if the Undertakers and the consumer differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary

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Notice to
 Undertakers
 of connect-
 ing or dis-
 connecting
 water
 meters.

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 court shall be final and binding on all parties.

37.—(1) Before any person connects or disconnects any meter by means of which any of the water of the Undertakers is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Undertakers of his intention to do so and all alterations or repairs and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Undertakers.

(2) Any person offending against this article shall for every such offence be liable to a penalty not exceeding forty shillings.

Guarantees]
 &c. by
 district
 councils.

38.—(1) Any district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Undertakers of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between that council and the Undertakers for the purpose of or with respect to the providing or laying down by the Undertakers of any pipe or works for the supply of water within any part of such district which is within the limits of supply.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of the district council they may incur expenditure and any such council may raise any money which may become payable to the Undertakers under this article in like manner as money may be raised under the provisions of any such general Act.

(3) Subject to the provisions of the Local Government Act 1929 any expenses incurred by a rural district council in pursuance of this article shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

Contract
 for supply
 of water
 in bulk.

39. The Undertakers and any district council or other local authority company or person may enter into and carry into effect agreements for and in relation to the supply of water by the Undertakers beyond the limits of supply to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions as may be agreed upon :

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Provided that—

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- (i) a supply of water under this article shall not be given beyond the limits of supply except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the district council of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply;
- (ii) nothing in this article shall authorise the Undertakers to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

40.—(1) 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 prevents any meter 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) for every such offence be liable to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover from the person so offending the amount of any damage by them sustained.

Injuring
meters &c.

(2) 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 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.

(3) 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 or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or user as the case may

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 Water
 Order.*

Power to
 supply
 fittings.

41.—(1) The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets and other fittings as are required or permitted by their byelaws and may provide all materials and execute 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.

(2) Any fittings let for hire under the provisions of this article shall bear either a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof and when so distinguished shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be.

Maintenance
 of common
 pipe.

42. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of such pipe and the respective proportions of contributions shall be settled by the engineer or agent of the Undertakers.

Power to
 Undertakers
 to repair
 communica-
 tion pipes.

43. If it shall appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers (subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers in executing such repairs shall be recoverable by the Undertakers from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier :

Provided that except in case of emergency—

(i) the Undertakers shall not under the powers of this article enter into any house or private premises

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unless they shall have given to the occupier of the house or premises and in any case where the communication pipe is repairable by the owner of the house or premises to such owner not less than twenty-four hours previous notice of their intention so to enter;

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- (ii) the Undertakers shall not without the previous consent of the London and North Eastern Railway Company exercise the powers of this article in respect of any property belonging to such Company and used for the purposes of their undertaking but such consent shall not be unreasonably withheld.

44. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Undertakers may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus :

Meters in
 streets to
 measure
 water or
 detect
 waste.

Provided that—

- (i) the Undertakers shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of that Act;
- (ii) the Undertakers shall not enter upon break up or interfere with the railway or works or any electric lines wires or apparatus belonging to the London and North Eastern Railway Company or any street belonging to such Company without the consent of that Company but in the case of a street such consent shall not be unreasonably withheld nor shall the Undertakers unreasonably interfere with or render less convenient the access to or exit from any station or depôt of that Company.

45. The Undertakers by their agents or workmen after forty-eight hours notice in writing under the hand of the agent or other officer of the Undertakers to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any waterpipe meter or fitting belonging to the Undertakers is laid or fixed and through or in which the

Entry of
 premises
 to remove
 fittings and
 meters.

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supply of water is from any cause other than the default of the Undertakers discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

PART VI.

PROTECTIVE CLAUSES.

For
protection
of Hertford
County
Council.

46. The following provisions for the protection of the county council of the administrative county of Hertford (in this article referred to as "the county council") shall unless otherwise agreed between the Undertakers and the county council have effect with respect to the exercise by the Undertakers of the powers of this Order :—

- (1) All new mains pipes and works not being replacements of existing mains pipes and works to be laid or executed in or affecting any main road or bridge for the time being maintainable by the county council shall be laid or executed in such position in or at the side thereof as the county council in writing under the hand of the county surveyor may reasonably direct :
- (2) Except in cases of laying down connecting or repairing consumers' service pipes and except in cases of leakage bursting or other emergency the notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such main road or bridge as aforesaid be not less than seven clear days instead of three clear days :
- (3) The plan required by section 31 of the Waterworks Clauses Act 1847 shall as regards any such main road or bridge as aforesaid be delivered to the county council or the county surveyor by the Undertakers not less than fourteen days before the Undertakers begin to execute the works :
- (4) All works shall be so executed by the Undertakers as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such main road or bridge as aforesaid and the Undertakers shall not break up at any one time a greater consecutive length than fifty yards at any place where

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one cart only can pass at the side of the opening or one hundred yards where two carts only can pass at the same time :

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Water
Order.*

(5) The Undertakers shall not without the consent in writing of the county council (which consent shall not be unreasonably withheld) open or break up the roadway over or in any manner interfere with the structure of any bridge for the time being maintainable by the county council and shall if so reasonably required by the county council attach any main or pipe which they may wish to carry across such bridge under or on the outside of such bridge in such manner as the county council may reasonably direct :

(6) If the county council shall for the purpose of reconstructing altering improving or diverting any such main road as aforesaid or rebuilding altering widening repairing or raising any bridge for the time being maintainable by the county council at any time require the position or level of any main pipe or other work of the Undertakers laid in under through or by the side of any such main road or bridge as aforesaid to be altered the Undertakers may and if reasonably required by the county council shall on receiving notice in writing under the hand of the clerk of the county council so to do alter the same in such manner as may be reasonably required by such notice and under the superintendence of the county surveyor and the cost of such alteration—

(a) if the main pipe or other work was laid under the powers of this Order but otherwise than in compliance with the requirements of the county council or (where a difference has arisen) of an engineer appointed in pursuance of paragraph (8) of this article shall be borne and paid by the Undertakers; and

(b) if the main pipe or other work was laid prior to the commencement of this Order or in compliance with such requirements as aforesaid or if the county council fail to give directions with respect to the laying of such main pipe or other work shall be borne by the county council and paid by them to the Undertakers;

Any difference as to the reasonableness of any requirement contained in any such notice shall be determined by arbitration as in this article provided :

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Order.*

(7) The Undertakers shall unless prevented by unavoidable cause or accident or during necessary repairs whenever required by the county council—

(a) supply the county council with water by measure for the purposes set forth in section 37 of the Waterworks Clauses Act 1847; and

(b) supply water by measure to court-houses and to school-houses of elementary schools (as defined by the Education Act 1921) at the fixed rate of two shillings per thousand gallons (exclusive of meter rent) :

Provided that the Undertakers shall not be bound to supply water for the purposes in this paragraph mentioned unless such supply is required in or adjoining any street in which a main or pipe of the Undertakers is laid at the date of the requirement and if and so long as such supply would in any way interfere with or unduly diminish the supply for domestic purposes within the limits of supply :

(8) Any difference by this article required to be determined by arbitration shall be determined by an engineer to be appointed in default of an agreement between the parties by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference.

For
protection
of London
and North
Eastern
Railway
Company.

47. The following provisions for the protection of the London and North Eastern Railway Company (in this article referred to as "the railway company") shall unless otherwise agreed in writing between the Undertakers and the railway company apply and have effect with respect to the exercise by the Undertakers of the powers conferred on the Undertakers by this Order and with respect to any works to be executed by the Undertakers in exercise of such powers :—

(1) In laying and also (except in cases of emergency) in effecting renewals of any mains pipes culverts or other works (in this article referred to as "authorised works") in over under or across any work or property of the railway company the Undertakers shall execute such works in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the railway company (in this article referred to as "the engineer") Such authorised works and repairs thereof shall be executed with all reasonable dispatch and under the direction

and superintendence (if the same be given) and to the reasonable satisfaction of the engineer :

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Provided that if the engineer does not express his approval or disapproval of the said plans sections and specifications within twenty-eight days after the same shall have been submitted to him he shall be deemed to have approved thereof :

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Water
Order.*

- (2) The Undertakers shall with all reasonable dispatch restore and make good to the reasonable satisfaction of the engineer the railway and other property of the railway company and the roads of or maintainable by the railway company so far as the same may be disturbed or interfered with by or in connection with the authorised works :
- (3) If the railway company so elect they may themselves execute and maintain the authorised works in over under or across any railway or works of the railway company or in any roads of or maintainable by the railway company other than the actual laying down and maintenance of mains and pipes and may recover from the Undertakers the reasonable expenses incurred by the railway company in connection therewith :
- (4) The authorised works shall be constructed executed and maintained so as not to cause any injury or damage to the railway or other property of the railway company or any interruption to the passage or conduct of traffic over such railway or at any station thereof and if any such injury damage or interruption arises from the acts or operations of the Undertakers or by reason of the failure of the Undertakers to maintain the authorised works or from the bursting leakage or failure of the authorised works not being due to the acts or defaults of the railway company their servants or agents all such injury or damage shall be forthwith made good by the Undertakers or if the railway company so elect by the railway company at the expense of the Undertakers and the Undertakers shall indemnify the railway company from all claims in respect of such injury damage or interruption and shall make compensation to the railway company for or in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in manner provided in this article :
- (5) In the event of the Undertakers failing to maintain the authorised works where they pass in under over or across the railway or other property of the railway

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Water
Order.*

company in substantial repair and good order to the reasonable satisfaction in all respects of the engineer or in case of emergency the railway company may make good the same and make and do in and upon the lands of the Undertakers or their own lands all such repairs and things as may be reasonably requisite and recover from the Undertakers the reasonable expenses incurred by them in connection therewith :

- (6) The authorised works shall not be constructed repaired or renewed in such a manner as to render necessary any alteration of any telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the railway company :
- (7) The Undertakers shall bear and on demand pay to the railway company the reasonable expense incurred by the railway company of and in connection with the employment by them during the construction repair or renewal of the authorised works in over under or across the railway or other property of the railway company of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the construction repair or renewal of the authorised works and for preventing as far as may be all interference danger obstruction and accident from any of the operations or from the acts or defaults of the Undertakers or their contractors or any person or persons in the employ of the Undertakers or their contractors :
- (8) If at any time it is found necessary in order to enable the railway company under powers existing at the commencement of this Order to carry out any alterations widenings or extensions of their existing railway or works that the position of the authorised works shall be altered the Undertakers shall on receiving not less than one month's notice in writing from the engineer so to do at the Undertakers' own cost and with all reasonable dispatch alter the position of the same in accordance with plans sections and specifications previously submitted to and reasonably approved by the Undertakers or their engineer so far as may be reasonably necessary to enable the railway company to carry out such alterations widenings or extensions and the provisions of this article shall apply to the authorised works in their altered position :

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(9) Any additional expense which the railway company may reasonably incur in widening altering reconstructing repairing or maintaining their railway or other works under their powers as existing at the commencement of this Order by reason of the existence of the works of the Undertakers in over under or across the same shall be paid by the Undertakers :

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 Water
 Order.*

(10) Any difference arising between the Undertakers and the railway company respecting any of the matters referred to in this article shall be referred to and determined by an arbitrator to be agreed upon by the railway company and the Undertakers or failing agreement to be appointed at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

PART VII.

SUPPLEMENTAL.

48. 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 signed by or on behalf of the consumer and left at or sent by post to the office for the time being of the Undertakers.

Notice of
 discontinuance of
 water
 supply.

49. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against and all penalties forfeitures 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 :

Recovery of
 penalties &c.

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.

50. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the undertaking or any incorporated enactment 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.

Recovery of
 demands.

51. Where the payment of more than one sum by any person is due under this Order or any Act or Order relating to the Undertakers any summons or warrant issued for the

Several sums
 in one
 summons.

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— contain in the body thereof or in a schedule thereto all the
Knebworth sums payable by him.
Water

Order. 52. A judge of any court or a justice shall not be dis-
Judges not qualified from acting in the execution of any Act or Order
disqualified. from time to time relating to the undertaking by reason of his
being liable to the payment of any rate.

Costs of 53. All the costs charges and expenses of and incidental
Order. to the applying for preparing obtaining and confirming this
Order and otherwise in relation thereto shall be paid by the
Undertakers.

SCHEDULE.

A piece of land in the parish of Knebworth in the rural district of Hitchin in the county of Hertford forming part of the garden or grounds of Knebworth Rectory and situate at the south-west corner of the said garden or grounds bounded on the south-west west and north-west by the public road leading from Old Knebworth Village to Stevenage and on the south-east by the wall or fence of the said garden or grounds and measuring 70 feet or thereabouts on the south-west west and north-west sides 50 feet or thereabouts on the south-east side and 40 feet or thereabouts on the north-east side thereof.

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.

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