



CHAPTER lxxxiv.

An Act for authorising the Mid Kent Water Com- A.D. 1930.
pany to construct new waterworks and to raise
additional capital for extending their limits for
the supply of water for conferring further powers
upon the Company and for other purposes.

[4th June 1930.]

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 1928 were empowered to construct
works and to supply water within the limits in the county
of Kent thereby prescribed :

And whereas it is expedient that the limits for the
supply of water by the Company should be further
extended so as to include further areas in the said county
as is by this Act provided :

And whereas there are included either in the existing
limits for the supply of water by the Company or in the
areas added thereto under the provisions of this Act
certain parishes or parts of parishes which are also
included within the statutory limits for the supply of
water by certain other water companies which last-
mentioned companies are not however supplying water
therein and it is expedient that the powers of the said
companies respectively in relation to the supply of water
in the said parishes or parts of parishes should be repealed :

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And whereas the demand for water within the existing limits of supply of the Company has increased and is still increasing and for the better and more effectually enabling the Company to meet such increasing demand and to supply in the extended limits it is expedient that the Company should be empowered to make and maintain the waterworks and to acquire the lands hereinafter respectively described :

And whereas it is expedient that for the purpose of preserving and protecting the Newnham pumping station authorised by this Act and the waters to be derived therefrom the provisions contained in this Act in that behalf should be enacted :

And whereas a statement of the authorised share and loan capital of the Company is set forth in the First Schedule to this Act and it is expedient that the Company should be empowered to raise further moneys for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that the Company should be empowered to purchase and the Faversham Rural District Council should be empowered to sell certain waterworks of that council situate in the parishes of Boughton under Blean and Dunkirk in the county of Kent and that the agreement relative thereto set out in the Third Schedule to this Act should be confirmed and made binding on the parties thereto :

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

And whereas plans and sections of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and those plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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):— A.D. 1930.

1. This Act may be cited as the Mid Kent Water Act 1930 and the Mid Kent Water Acts and Orders 1898 to 1928 and this Act may be cited together and are in this Act referred to as the Mid Kent Water Acts and Orders 1898 to 1930 and the Act of 1898 the Mid Kent Water Act 1900 so much of the Mid Kent and East Kent District Water Act 1913 as relates to the Company or their undertaking the Mid Kent Water Act 1923 so much of the Mid Kent Water Act 1928 as relates to the Company or their undertaking and each of the Mid Kent Water Orders 1901 1902 1903 1906 1907 and 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):

(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 :

(3) The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion

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of borrowed money into capitol) and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts :

- (4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and for the purposes of this Act such provisions shall have effect as if the pumping stations the adits and the service reservoirs by this Act authorised and so much of the conduits or lines of pipes by this Act authorised as will not be constructed in a highway were respectively referred to in lieu of "the railway" and as if the outside of the pumping stations the boundaries of the service reservoirs and the centre lines of the adits and of so much of the conduits or lines of pipes as aforesaid were respectively referred to in lieu of "the centre of the railway."

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 existing Acts and Orders" means the Act of 1898 the Act of 1900 the Orders of 1901 1902 1903 1906 and 1907 the Act of 1913 the Order of 1920 and the Acts of 1923 and 1928;

The expression "the existing limits of supply" means the limits for the supply of water by the Company as defined in the Act of 1898 and extended by the Act of 1900 the Orders of 1901 1902 1903 1906 and 1907 and the Act of 1913;

The expression "the new limits of supply" means the new limits for the supply of water by the Company authorised by this Act;

The expression "the limits of supply" means the limits for the time being of the Company for the supply of water; A.D. 1930.
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"The transferred area" means the portion of the parish of Farningham in the rural district of Dartford which is described in the Second Schedule to this Act and is for purposes of identification delineated and edged with pink on the plan signed in quadruplicate by Herbert Dunnico esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan copies have respectively been deposited in the Parliament Office House of Lords in the Committee and Private Bill Office of the House of Commons at the principal office of the board and at the principal office of the Company) and if there shall be any discrepancy between the portion of the said parish described in the Second Schedule to this Act and the area so delineated and coloured on the said plan the said plan shall prevail;

"The board" means the Metropolitan Water Board;

The expression "the scheduled agreement" means the agreement made the twelfth day of November nineteen hundred and twenty-nine between the Faversham Rural District Council of the one part and the Company of the other part set forth in the Third Schedule to this Act;

The expression "the undertaking" means the undertaking of the Company for the time being authorised;

The expression "the new waterworks" means the new works described in the section of this Act the marginal note whereof is "Power to make new works";

The expression "the directors" means the directors of the Company.

EXTENSION OF LIMITS OF SUPPLY &C.

4. The limits within which the Company may supply water shall extend to and include in addition to the existing limits of supply the areas in the county

Extension
of limits
of supply.

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of Kent described in the Second Schedule to this Act and from and after the passing of this Act the provisions of the Mid Kent Water Acts and Orders 1898 to 1930 shall so far as applicable but subject to the provisions of the section of this Act of which the marginal note is "For protection of the board" be in full force and have effect throughout the limits of supply as extended by this Act.

Exclusion
of trans-
ferred area
from limits
of supply
of board.

5. Subject as hereinafter provided the transferred area shall as from the date of the passing of this Act cease to form part of the area of supply of the board and all rights powers obligations and duties of the board in or in relation to the transferred area shall as from that date cease and determine :

Provided that notwithstanding anything contained in this Act or the exclusion of the transferred area from the area of supply of the board under the provisions thereof the board shall at all times and from time to time be entitled to lay down place construct maintain repair and renew in or through the transferred area or any part thereof mains pipes works and apparatus for conveying water from one part of the area of supply of the board to another part thereof (but not for supplying water in the transferred area or any part thereof) and to open and break up streets for any such purpose upon and subject to the like terms and conditions as if this Act had not been passed.

Repeal of
portion of
Canterbury
Gas and
Water Act
1866.

6. So much of the Canterbury Gas and Water Act 1866 as authorises the Canterbury Gas and Water Company to supply water within the parish of Upper Hardres in the rural district of Bridge the parish of Boughton under Blean in the rural district of Faversham and so much of the parish of Dunkirk in the rural district of Faversham as is by this Act included in the limits of supply of the Company is hereby repealed and from and after the passing of this Act all the powers of the Canterbury Gas and Water Company with reference to the supply of water within such parishes and part of a parish shall absolutely cease and determine and this Act and the Order of 1906 (by which the said parish of Upper Hardres was included in the existing limits of supply) shall have as full validity and effect as though the parishes and part of a parish mentioned in this section had never

been included within the limits within which the Canterbury Gas and Water Company were by the Canterbury Gas and Water Act 1866 authorised to supply water. A.D. 1930.

7. So much of the Cranbrook District Water Act 1898 as authorises the Cranbrook District Water Company to supply water within the parish of Woodchurch in the rural district of Tenterden is hereby repealed and from and after the passing of this Act the powers of the Cranbrook District Water Company with reference to the supply of water within that parish shall absolutely cease and determine and this Act shall have as full validity and effect as though the parish mentioned in this section had never been included within the limits within which the Cranbrook District Water Company were by the Cranbrook District Water Act 1898 authorised to supply water. Repeal of portion of Cranbrook District Water Act 1898.

8. If at any time after the expiration of five years from the passing of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of the Mid Kent Water Acts 1898 to 1930 in any area included within the new limits of supply the local authority of the district in which the area is comprised may provide a supply in the area 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 area as if in either case this Act had not been passed. Power to local authority to supply if Company fails to supply.

If any difference shall arise between the Company and any such local authority company body or person as to whether the Company are furnishing or prepared on demand to furnish a sufficient supply of water in any area such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister of Health :

Provided that the foregoing provisions of this section shall have effect in relation to the parishes of Boughton under Blean Hernhill and Graveney and to so much of the parishes of Ospringe and Dunkirk as is by this Act included within the new limits of supply as if the words " five years from the day of transfer

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for the words " five years from the passing of this Act."

Purchase
of water-
works of
Faversham
Rural
District
Council.

9.—(1) The scheduled agreement is hereby confirmed and made binding upon the parties thereto and may and shall be carried into effect accordingly.

(2) As from the completion of the purchase by the Company of the waterworks of the Faversham Rural District Council in accordance with the provisions of the scheduled agreement the same shall for all purposes whatsoever form part of the undertaking.

(3) The Faversham Rural District Council shall apply all money received by them as the consideration for the sale provided for by the scheduled agreement—

First in repaying any outstanding money borrowed by the council for the purposes of their waterworks undertaking; and

Secondly to such other purposes to which capital money is properly applicable as the Minister of Health may sanction.

For protec-
tion of the
board.

10. For the protection of the board the following provisions shall unless otherwise agreed in writing between the board and the Company have effect (that is to say) :—

(1) The Company shall not execute construct erect or provide or apply for statutory powers enabling them to execute construct erect or provide in the transferred area any works or apparatus for abstracting water by means of pumping impounding or collection:

(2) If at any time after the passing of this Act the board apply for statutory powers enabling them in the transferred area to construct any reservoir or other works or apparatus (including aqueducts or lines of pipes in connection with any such reservoir for storing water for supply by the board elsewhere than in the transferred area but not including any works or apparatus for abstracting water by means of pumping impounding or collection) the Company shall not oppose such application further or otherwise than may be necessary for the purpose of securing protection against injury to their mains and apparatus.

WORKS LANDS &c.

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11.—(1) Subject to the provisions of this Act the Company may in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the new waterworks hereinafter described wholly in the county of Kent and the Company may also enter upon take use and hold all or any of the lands in that behalf delineated on the said plans and described in the deposited book of reference relating thereto respectively and may hold retain and use any of the said lands already acquired by them or on their behalf as part of and for the purposes of the undertaking and the expenditure of any capital already incurred for the purposes of any of the said works or lands is hereby sanctioned and confirmed.

Power to
make new
works.

The new works hereinbefore referred to are—

Work No. 1 A covered service reservoir (to be called and in this Act referred to as “the Fairbourne reservoir extension”) and being an enlargement or extension of the existing Fairbourne reservoir being Work No. 23 authorised by and described in the Act of 1913 to be situate wholly in the parish of Harrietsham in the rural district of Hollingbourne in or upon land forming part of the enclosure numbered 336B on the $\frac{1}{2500}$ Ordnance map (edition 1908) sheet No. LIII-3 of the said parish of Harrietsham;

Work No. 2 A covered service reservoir (to be called and in this Act referred to as “the Dunkirk reservoir”) to be situate wholly in the parish of Dunkirk in the rural district of Faversham in or upon land forming part of the enclosures respectively numbered 93 118 and 119 on the $\frac{1}{2500}$ Ordnance map (edition 1907) sheet No. XXXIV-16 of the said parish of Dunkirk;

Work No. 3 A conduit or line or lines of pipes situate wholly in the said parish of Dunkirk commencing by a junction with the existing line of pipes belonging to the Faversham

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Rural District Council at or near a point in the road leading from Faversham to Canterbury opposite to Dunkirk School and terminating in the intended Dunkirk reservoir (Work No. 2) hereinbefore described;

Work No. 4. A covered service reservoir (to be called and in this Act referred to as "the Warren Street reservoir extension") and being an enlargement or extension of the existing Warren Street reservoir (being Work No. 15 confirmed by and described in the Act of 1913) to be situate wholly in the parish of Lenham in the rural district of Hollingbourne in and upon land forming part of the enclosure numbered 778 on the $\frac{1}{2500}$ Ordnance map (second edition 1897) sheet No. XLIV-14 of the said parish of Lenham;

Work No. 5. An elevated service reservoir (to be called and in this Act referred to as "the Warren Street water tower") to be situate wholly in the said parish of Lenham in or upon land forming part of the enclosure numbered 778 on the $\frac{1}{2500}$ Ordnance map (second edition 1897) sheet No. XLIV-14 of the said parish of Lenham and near to the existing Warren Street reservoir (being Work No. 15 confirmed by and described in the Act of 1913) on the north-west side thereof;

Work No. 6. A conduit or line or lines of pipes situate wholly in the said parish of Lenham commencing by a junction with the existing conduit or line or lines of pipes of the Company leading from the existing Charing pumping station (being Work No. 16 confirmed by and described in the Act of 1913) to the existing Warren Street reservoir (being Work No. 15 also confirmed by and described in that Act) at a point in the road leading from New Shelve Farm to Harrow Inn 100 feet or thereabouts from the gateway leading into the said existing Warren Street reservoir and terminating in the intended Warren

Street water tower (Work No. 5) hereinbefore described; A.D. 1930.

Work No. 7 A covered service reservoir (to be called and in this Act referred to as "the Charing Hill extension reservoir" and being an enlargement or extension of the existing Charing Hill reservoir authorised by the Act of 1900) to be situate wholly in the parish of Charing in the rural district of West Ashford in or upon land forming part of the enclosure numbered 491 on the $\frac{1}{2500}$ Ordnance map (edition 1907) sheet No. LIV-7 of the said parish of Charing;

Work No. 8 A covered service reservoir (to be called and in this Act referred to as "the Well Wood reservoir") to be situate wholly in the parish of Otterden in the rural district of Hollingbourne in or upon land forming part of the enclosure numbered 16 on the $\frac{1}{2500}$ Ordnance map (edition 1907) sheet No. XLIV-6 of the said parish of Otterden;

Work No. 9 A conduit or line or lines of pipes commencing in the intended Well Wood reservoir in the said parish of Otterden (Work No. 8) hereinbefore described passing thence through and into the parishes of Doddington (detached) Newnham Eastling Ospringe and Norton in the rural district of Faversham and terminating in the intended Newnham pumping station (Work No. 10) hereinafter described;

Work No. 10 A pumping station together with wells bores adits headings and other works and conveniences (to be called and in this Act referred to as "the Newnham pumping station") to be situate in the said parishes of Norton and Ospringe in and upon land forming part of the enclosures respectively numbered 74 and 105 on the $\frac{1}{2500}$ Ordnance map (edition 1908) sheet No. XXXIII-16 of the said parish of Norton and of the enclosure numbered 103 on the same map and sheet of the said parish of Ospringe;

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Work No. 11 An adit to be situate in the said parishes of Norton and Ospringe commencing at the north-western boundary of enclosure No. 74 on the $\frac{1}{2500}$ Ordnance map (edition 1908) sheet No. XXXIII-16 of the said parish of Norton and terminating in the south-western portion of enclosure No. 103 on the same map and sheet of the said parish of Ospringe;

Work No. 12 A conduit or line or lines of pipes commencing in the parish of Thornham (or Thurnham) in the rural district of Hollingbourne by a junction with the existing main of the Company at a point in the road leading from Ashford to Maidstone opposite the junction of that road with the road leading to Chrismill passing thence through and into the said parish of Thornham (or Thurnham) and terminating in the intended Thurnham pumping station (Work No. 13) hereinafter described;

Work No. 13 A pumping station together with wells bores adits headings and other works and conveniences (to be called and in this Act referred to as "the Thurnham pumping station") to be situate wholly in the said parish of Thornham (or Thurnham) in and upon land forming part of the enclosures respectively numbered 93 and 94 on the $\frac{1}{2500}$ Ordnance map (second edition 1897) sheet No. XLIII-5 of the said parish of Thornham;

Work No. 14 A conduit or line or lines of pipes commencing in the intended Thurnham pumping station (Work No. 13) hereinbefore described passing thence through and into the parishes of Thornham (or Thurnham) and Hollingbourne in the rural district of Hollingbourne and terminating in the intended Thurnham reservoir (Work No. 15) hereinafter described;

Work No. 15 A covered service reservoir (to be called and in this Act referred to as "the Thurnham reservoir") to be situate wholly

in the said parish of Hollingbourne in and upon land forming part of the enclosure numbered 541 on the $\frac{1}{2500}$ Ordnance map (edition 1908) sheet No. XLIII-2 of the said parish;

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Work No. 16 A conduit or line or lines of pipes commencing in the existing Exedown reservoir in the urban district of Wrotham (being Work No. 1 confirmed by and described in the Act of 1913) passing thence through and into the said urban district and the parishes of Stansted and Trottiscliffe in the rural district of Malling and terminating in the existing Trosley pumping station in the said parish of Trottiscliffe (being Work No. 3 authorised by and described in the Act of 1923);

Work No. 17 A conduit or line or lines of pipes commencing in the said existing Trosley pumping station thence passing through and into the parishes of Trottiscliffe Addington Leybourne (detached) and Mereworth in the rural district of Malling and the urban district of Wrotham and terminating in the said parish of Mereworth in the existing Mereworth Beech reservoir (being Work No. 5 confirmed by and described in the Act of 1913).

(2) In addition to the foregoing works the Company may upon the said lands make and maintain all such buildings machinery works and apparatus of whatsoever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

12. In the construction of the new waterworks the Company may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road (including for this purpose

Limits of
deviation.

A.D. 1930. any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent. Provided that (except in the case of the Warren Street water tower) no embankment of a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and five feet in addition thereto and that except for the purposes of crossing over a stream dyke or watercourse no part of the conduits or line or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Works to form part of undertaking.

13. Subject to the provisions of this Act all works thereby authorised and the lands thereby authorised to be held retained or acquired shall for all purposes whatsoever form part of and be comprised in the undertaking.

Power to take waters.

14. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all streams springs and waters which will or may be intercepted by means of the Works Nos. 10 11 and 13 by this Act authorised or any subsidiary works by this Act authorised in connection therewith.

Period for completion of works.

15. If the new waterworks are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of the said waterworks or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed but nothing in this section contained shall restrict the Company from at any time extending enlarging altering renewing or removing any of the new waterworks or from exercising any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require.

Period for compulsory purchase of lands.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease on the first day of October nineteen hundred and thirty-three.

17.—(1) The Company may alter and divert the public footpath leading from Howe Court to Barty Farm as shown on the deposited plans relating to the Thurnham pumping station and (subject as hereinafter mentioned) may stop up and extinguish all rights of way over so much of the existing footpath as is shown on the deposited plans as intended to be stopped up. Provided that such stopping up shall not take place until the altered and diverted portion of footpath has been completed to the satisfaction of the parish council of Thurnham and is open for public use or in the case of difference between the Company and that council until two justices acting for and residing in the county of Kent shall have certified that the altered and diverted portion of footpath has been completed to their satisfaction and has been opened for public use. Before applying to the justices for their certificate the Company shall give to the said parish council not less than fourteen days' notice of their intention to apply for it.

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Stopping
up and
diversion
of footpath.

As from the completion of the altered and diverted portion of footpath to the satisfaction of the said parish council or as from the date of the said certificate all rights of way over and along the portion of the existing footpath which is shown on the deposited plans as intended to be stopped up shall be extinguished.

(2) The Company may subject to the provisions of the Waterworks Clauses Act 1847 with respect to mines appropriate and use for the purpose of the undertaking the site of the portion of the said existing footpath stopped up under the provisions of this section.

18.—(1) If at any time after the completion of any pumping station to which this section applies it shall be proved by the owner of any well which is situate within a radius of one mile from such pumping station and which is used at the passing of this Act as an effective source of supply (in this section called "the owner") that the pumping by the Company at that station has caused a diminution or cesser of the supply of water in such well the Company shall upon the written request of such owner afford to him a supply of water equal to the amount of such diminution or to the supply which shall have ceased (as proved) at such cost or rate (if any) as that the total cost of the owner of obtaining his full

For pro-
tection of
existing
wells.

A.D. 1930. — supply shall not be more after than before the construction of the said pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

(2) Provided that—

- (a) the Company shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any well the water from which is or was before the cesser of supply so polluted as to be or to be likely to be injurious or dangerous to health;
- (b) the Company shall not be liable in respect of any claim made by the owner under this section if such owner shall have failed to afford the Company and their officers servants and other representatives at all reasonable times after the passing of this Act access to the well in respect of which the claim is made and facilities for ascertaining particulars thereof and the level and quantity of the water therein; and
- (c) the Company shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(3) All mains pipes meters and fittings required for the purpose of supplying water to any owner in pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Company and the owner shall afford to the Company all reasonable or necessary facilities for these purposes but all such fittings which shall be placed or fixed upon the land or premises of any owner shall be repaired maintained and (when necessary) renewed and made good by such owner to the satisfaction of the Company.

(4) The Company may if they think fit in lieu of affording a supply of water equal to the diminution of the supply or the supply which shall have ceased as aforesaid in any such well deepen such well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution or cesser and the

owner shall without making any charge therefor give the Company access and every facility for carrying out such deepening borings or headings. A.D. 1930.

(5) The Company may if they think fit in lieu of affording a supply equal to the diminution or the supply which shall have ceased as aforesaid make compensation in money to any such owner for such diminution or cesser of supply and they shall also make like compensation for any injury caused to such owner by the powers conferred by the last preceding subsection and the amount of such compensation shall be settled in case of difference by arbitration as hereinafter provided.

(6) Any question which may arise between the Company and any owner as to the quantity time place or manner of the supply to be afforded by the Company in pursuance of this section and any other question dispute or difference which may arise between the Company and the owner under the foregoing provisions of this section shall be referred to the arbitration of a single arbitrator appointed unless otherwise agreed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(7) The Company and the owner may enter into and fulfil agreements with reference to the supply of water by the Company to such owner or with reference to any matter referred to in this section and may by any such agreement alter or modify any of the provisions of this section so far as they relate to such owner.

(8) In this section the expression "owner" shall include any lessee or occupier.

(9) This section shall apply to the Thurnham pumping station and the Newnham pumping station respectively authorised by this Act.

19. The provisions of the following sections of the Acts of 1898 1913 and 1928 shall extend and apply to the powers and provisions of this Act as if those sections were re-enacted in this Act with any necessary modifications (that is to say):—

Application of provisions of Acts of 1898 1913 and 1928.

The Act of 1898—

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

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The Act of 1913—

Section 12 (Power to acquire easements only in certain cases);

Section 19 (Persons under disability may grant easements);

Section 20 (Discharge of water into streams);

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

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

The Act of 1928—

Section 6 (Extinction of private rights of way);

Section 7 (Compensation in case of recently acquired interests &c.);

Section 9 (Power to Company to enter upon property for survey and valuation);

Section 10 (Costs of arbitration in certain cases):

Provided that the said section 7 of the Act of 1928 shall have effect as if the words "sixteenth day of November one thousand nine hundred and twenty-nine" were substituted therein for the words "nineteenth day of November one thousand nine hundred and twenty-seven":

Provided also that the powers of section 20 (Discharge of water into streams) of the Act of 1913 as extended and applied for the purposes of this Act shall not be exercised so as to damage or injuriously affect the railways or works of any railway company nor shall the Company cause water to be discharged into any ditch or water-course constructed for the purpose of draining such railways and works.

Purchase of additional lands by agreement.

20. 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 fifty acres and may on 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.

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21.—(1) In this section the expression “the protective area” means the area in the county of Kent described in the Fourth Schedule to this Act in which the Newnham pumping station will be situate.

Provision for protection of Newnham pumping station.

(2) If it appears to a court of summary jurisdiction on complaint by or on behalf of the Company that any substance or liquid of a nature which if permitted to escape into the subsoil will involve or is likely to involve the pollution or contamination of underground water is escaping or is about to be permitted to escape into the subsoil of any lands within the protective area from any sink sewer cesspool or drain or from any manure heap or dunghill the court may after giving the owner or occupier of the lands or premises upon which the said sink sewer cesspool or drain manure heap or dunghill is situate an opportunity of being heard make an order authorising the Company or any person authorised by them at the expense of the Company in all things to execute such works upon or in proximity to any such sink sewer cesspool or drain or the site of any such manure heap or dunghill and to do such other acts and things as in the opinion of the court will effectually remedy or prevent such escape.

(3) Any person who obstructs or impedes the execution of any such order shall (unless he shows cause to the satisfaction of the court for such obstruction) be liable to a penalty not exceeding five pounds.

(4) A plan showing the lands comprised in the protective area shall at all reasonable times be open to public inspection at the office of the Company without charge.

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For pro-
tection of
Kent
County
Council.

22. The provisions of section 40 (For protection of Kent County Council) of the Act of 1913 so far as they relate to the Company shall with any necessary modifications extend and enure for the protection of the Kent County Council in relation to the execution of the works authorised by this Act so far as they affect any county road or any county bridge as if the same had been re-enacted in this Act.

For pro-
tection of
Southern
Railway
Company.

23. The provisions of section 41 (For protection of South Eastern Railway Company London Chatham and Dover Railway Company and South Eastern and Chatham Railway Companies Managing Committee) of the Act of 1913 so far as they relate to the Company shall with any necessary modifications extend and enure for the protection of the Southern Railway Company in relation to the execution of Works Nos 12 and 17 authorised by this Act or to the exercise by the Company of the powers of this Act within the new limits of supply as if the same had been re-enacted in this Act *mutatis mutandis* in relation to the said railway company.

For pro-
tection
of Milgate
Park
Estate.

24. For the protection of the Right Honourable Walter Horace Viscount Bearsted of Maidstone in the county of Kent and his successors in title and assigns or other the owner for the time being of the estate in the parishes of Thornham and Hollingbourne known as the Milgate Park Estate (all of whom are in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the Company and the owner have effect (that is to say):—

(1) In this section—

"the estate" means the said Milgate Park Estate;

"the aqueduct" means the conduits or lines of pipes Works Nos. 12 and 14 by this Act authorised;

"the private road" means so much of the road crossing the estate which is numbered on the deposited plans 5 and 6 in the parish of Thornham and 2 and 3 in the parish of Hollingbourne as lies between the railway bridge numbered on the deposited plans 4 in the parish of Thornham and Whitehall Farm

(which portion of road is alleged by the owner to be a private road) and includes all lands within the limits of deviation for the aqueduct between the said bridge and farm;

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“ the public road ” means so much of the said road as is situate northwards of Whitehall Farm :

- (2) Notwithstanding anything in this Act or on the deposited plans the Company shall not take or use any subsoil or other land of the owner situate under the public road or any interest in those lands but nothing in this section shall prevent the Company from exercising with respect to the public road any of the powers possessed by them under any Act or Order for the time being relating to the Company and the Acts incorporated therewith :
- (3) Notwithstanding anything in this Act or on the deposited plans the Company shall not enter upon take or use any part of the private road or any right or interest therein except that the Company may acquire and the owner shall if so required by the Company sell to the Company an easement for constructing under the private road and from time to time maintaining repairing inspecting and using the aqueduct within the limits of deviation thereof as shown on the deposited plans and for the user by the Company of the private road for the purpose of access at all times with horses motor lorries carts and carriages to and from the pumping station (Work No. 13) by this Act authorised The Company shall pay to the owner for any easement acquired in accordance with this subsection such annual rent or sum as may be agreed between the Company and the owner or failing agreement such annual rent or sum (not exceeding in any event five pounds) as may be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement which Act shall (subject to the provisions of this subsection) apply to the acquisition of the

A.D. 1930:

said easement as if the same were land to which that Act applies :

- (4) When the Company shall have commenced the laying of the aqueduct in or under any part of the private road they shall proceed with all practicable dispatch to complete the work and to restore the surface of the ground to the reasonable satisfaction of the owner :
- (5) At all times while any trench or excavation dug by the Company or their contractors in any part of the private road remains open the Company shall keep such trench or excavation properly fenced and guarded :
- (6) Nothing in this section nor the acquisition by the Company of any easement under subsection (3) hereof shall be deemed to impose on the owner any obligation with respect to the repair of the private road and the Company shall at their own expense and to the reasonable satisfaction of the owner make good any injury caused to the private road or the surface thereof by any horses or vehicles of the Company or otherwise by any acts or operations of the Company in pursuance of any such easement as aforesaid or under the powers of this Act :
- (7) The Company shall not acquire any sporting rights of the owner over any part of the estate but the owner and the lessees or tenants of his said rights shall be entitled to exercise without payment to the Company the exclusive right of sporting over any lands acquired by the Company from the owner under this Act for the purposes of the pumping station (Work No. 13) and the service reservoir (Work No. 15) by this Act authorised and for that purpose to have free access during the day time on to over and across such last-mentioned lands other than the lands actually covered by the water in the service reservoir (Work No. 15) by this Act authorised Provided that the owner and the lessees and tenants aforesaid shall in the exercise of such exclusive right at all times conform to any reasonable requirements of the Company directed to ensuring the proper

management working and use of the said pump-
ing station and reservoir and to preserving
the water in the said reservoir from pollution
or contamination :

- (8) (a) No buildings or work of any kind other than the service reservoir (Work No. 15) by this Act authorised and than such works plant apparatus or equipment in connection with the said reservoir as the Company may from time to time in their uncontrolled discretion determine shall be erected on any lands forming part of the property numbered on the deposited plans 1 in the parish of Hollingbourne acquired by the Company under this Act;

(b) The banks of the said reservoir shall be properly sloped and the Company shall use their best endeavours to keep the said banks at all times grassed or covered with shrubs :

- (9) The lands forming part of either of the said properties numbered respectively 1 in the parish of Thornham and 1 in the parish of Hollingbourne and acquired by the Company shall be fenced by the Company on each side thereof with a suitable open climbable fence without barbed wire or wire netting to the reasonable satisfaction of the owner Provided that in so far as any lands forming part of the said property numbered 1 in the parish of Thornham acquired by the Company for the purpose of the pumping station (Work No. 13) by this Act authorised may be bounded by an existing natural hedge the maintenance of the said hedge in a satisfactory condition shall be deemed to constitute a sufficient compliance by the Company with the provisions of this subsection :

- (10) The Company shall not in the exercise of the powers of this Act do any act or thing which would materially obstruct or interfere with the natural flow of water along the watercourse or ditch bounding the north-eastern portion of the said property numbered 1 in the parish of Thornham or would cause any flooding on any part of the estate :

A.D. 1930.

(11) (a) The Company shall take all reasonable means for preventing persons in their employ from poaching or trespassing on the estate or on any lands forming part of the estate at the date of the passing of this Act and acquired by the Company under this Act;

(b) The Company shall not knowingly allow any person employed on any works executed or carried out on the lands forming part of the estate at the date of the passing of this Act and acquired by the Company to keep any dog;

(c) The Company will use their best endeavours to secure the observance of the provisions of this subsection by any contractor employed by them :

(12) The Company shall during the construction under the powers of this Act of any works on or in the neighbourhood of the estate pay to the owner the reasonable cost of the employment by him of any additional keeper or watcher for the protection of game and for the prevention of poaching and trespassing on the estate which may be reasonably necessary :

(13) Any difference which shall arise under this section between the Company and the owner shall (except where otherwise expressly provided) be referred to a single arbitrator to be appointed on the application of either party to the dispute by the President of the Surveyors Institution and subject thereto the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force shall apply to such reference.

RATES AND CHARGES SUPPLY OF WATER &C.

Amend-
ment and
extension
of subsec-
tion (2) of
section 6 of
Order of
1920.

25. Subsection (2) of section 6 (Additional percentage of rates rents and charges) of the Order of 1920 shall be amended by the omission therefrom of the words "Subject to the provisions of any general Act which may hereafter be passed relating to charges for the supply of water" and by the substitution of references to the Minister of Health for the references therein to the Board of Trade and as so amended shall extend and apply to

the variation of any of the rates rents and charges for the supply of water authorised by this Act. A.D. 1930.

26. Section 72 of the Waterworks Clauses Act 1847 as incorporated with this Act shall in relation to the undertaking be read and have effect as if for the reference therein to "annual value" there were substituted a reference to the net annual value ascertained by the valuation list in force for the time being under the Rating and Valuation Act 1925. As to section 72 of Waterworks Clauses Act 1847.

27.—(1) 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 Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner. 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. Rates payable by owners of small houses.

(2) Nothing in this section shall limit or affect the operation of section 72 (Owners of houses not exceeding ten pounds rent to be liable to water rates) of the Waterworks Clauses Act 1847 as incorporated with this Act.

28.—(1) The Company shall not be bound to supply with water otherwise than by meter— Supply to houses partly used for trade &c.

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

(b) any workhouse hospital (whether public or private) asylum (whether public or private) sanatorium nursing home school club hotel restaurant public-house inn or common lodging-house; or

(c) any boarding-house or lodging-house capable of accommodating at least twelve persons; or.

(d) any public institution which is habitually occupied by at least twenty persons.

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(2) Where a supply of water to a farm-house is used for farming purposes the Company may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farm-house at the rate for the time being payable for water supplied for domestic purposes.

(3) The amount to be paid under the provisions of this section exclusive of meter rent shall not in any one quarter be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

Charges for
supplies
for motor
cars
refriger-
ating
apparatus
&c.

29.—(1) The Company shall not if a hose-pipe or other similar apparatus is used be compelled to supply water for use for horses or washing carriages motor cars or other vehicles or for use for other purposes in stables garages or premises where horses carriages or motor cars are kept otherwise than by measure and all water so used by means of such hose-pipe or other similar apparatus shall be paid for accordingly :

Provided—

(a) that the minimum sum for which the Company shall be compelled to afford a supply for use for motor cars kept for private or professional use shall be three shillings and ninepence in any one quarter of a year; and

(b) that in all cases to which this subsection shall apply and in which a meter with an inlet and outlet not exceeding respectively three-eighths of one inch in diameter is sufficient for the purposes of the supply the Company shall supply and fix the meter at their own expense and shall not be entitled to charge for the use of the same any higher rent than two shillings and threepence per quarter of a year.

(2) 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— A.D. 1930.

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

30. The Company may supply water for purposes other than those specified in section 61 (Rates for supply for domestic purposes) and section 64 (Rates for supply by meter in certain cases) of the Act of 1898 in section 62 (Rates for waterclosets baths &c.) of that Act as amended by section 33 (Rates for certain baths) of the Act of 1913 and in the sections of this Act whereof the marginal notes are "Supply to houses partly used for trade &c." and "Charges for supplies for motor cars refrigerating apparatus &c." at such rates as may be agreed between the consumer and the Company and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for purposes other than domestic if such supply would interfere with the sufficiency of the supply of water for domestic purposes. Supply by measure.

31. Where two or more houses or buildings or parts of a house or building or of two or more houses or buildings connected by any means of communication not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of water rate chargeable by the Company in respect of any supply of water for domestic purposes furnished by the Company to any one or more of such two or more houses or buildings or such two or more parts of a house or building or of two or more houses or buildings to be one tenement having a net annual value equal to the aggregate of the net annual values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied. As to net annual value of two or more houses in one occupation.

32. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 contained the Company As to quarterly dates for

A.D. 1930. shall be entitled to demand payment of water rates in
—
payment of water
of water
rates. advance by equal quarterly payments on the first day
of January the first day of April the first day of July
and the first day of October in each year.

Cisterns to be provided for high level supplies. **33.** The Company may require that any premises erected after the passing of this Act on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by them to such premises shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such premises for a period of twenty-four hours and the Company shall not be required to supply any such premises until the same are provided with a cistern in conformity with the requirements of this section.

Extension of power to inspect premises. **34.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to Company to raise additional capital. **35.** The Company may from time to time raise additional capital not exceeding in the whole two hundred and twenty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of these modes respectively but the Company shall not issue any share of less nominal value than ten pounds Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the sum of two hundred and twenty thousand pounds.

Incidents of new capital. **36.** Except as is by this Act otherwise provided the capital in new shares or stock created by the Company

under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company Provided that such holders shall not be entitled to participate in any dividend that may be declared to make up the deficiency on any previous dividend upon shares forming part of the said existing capital respectively.

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37. The Company shall not in any one year make out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on additional capital limited.

38. In case in any year or half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Dividend on different classes of ordinary capital to be paid proportionately.

39. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

New and existing shares or stock may be of same class.

40. 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.

Restrictions as to votes in respect of preference capital.

A.D. 1930.

—
Shares
or stock
to be sold
by auction
or tender.

41.—(1) All shares or stock (other than debenture stock) issued by the Company after the passing of this Act shall subject to the provisions of this Act be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the clerk to the council of any district which includes a part of the limits of supply and to the secretary of the London Stock Exchange at least fourteen days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two successive weeks in one or more local newspapers circulating within the limits of supply;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister of Health not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of shares or stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company;
- (e) In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid;

(f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be. A.D. 1930.
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(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in a case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold may be disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Minister of Health stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

42. Subject to the provisions of this Act but without being required to obtain the certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845 the Company may borrow on mortgage of the undertaking in respect of the capital which has already been raised by them any sum or sums not exceeding in the whole (including any sum or sums already borrowed by the Company) one hundred and eighty-one thousand and ten pounds. Power to borrow in respect of authorised capital.

A.D. 1930.

Power to borrow in respect of additional capital.

43.—(1) Subject to the provisions of this Act the Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half part of the amount of the additional capital which at the time of borrowing has been raised under the powers of this Act including the premiums (if any) realised on the sale thereof.

(2) No sum shall be borrowed under or in pursuance of this section until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the capital in respect of which such sum is borrowed together with the premiums (if any) realised on the sale thereof has been fully paid up.

Debenture stock.

44. The Company may create and issue debenture stock subject to the provisions of section 36 (Power to create debenture stock) of the Act of 1898.

Priority of mortgages over other debts.

45. All moneys raised or to be raised by the Company on mortgage or by debenture stock under the provisions of the Mid Kent Water Acts and Orders 1898 to 1930 shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act :

Provided that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Priority of existing mortgages.

46. The principal moneys secured by all mortgages granted by the Company before the passing of this Act and subsisting at the passing thereof shall during the continuance of such mortgages and subject to the provisions of the Act or Order under which such mortgages were respectively granted have priority over all mortgages granted by virtue of this Act 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 Company.

47. Section 30 (Appointment of receiver) of the Act of 1923 is hereby repealed but without prejudice to any appointment made thereunder or to any proceedings pending at the passing of this Act. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

A.D. 1930.
—
Appoint-
ment of
receiver.

48. All moneys raised under this Act or any other Act or Order relating to the Company including premiums (after deducting from such moneys the expenses of and incidental to the issue of shares or stock under the provisions of any such Act or Order) shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of such shares or stock shall not be considered as part of the capital of the Company entitled to dividend:

Application
of moneys.

Provided that in any case where a power to raise money by borrowing or to create a reserve or other fund is made proportionate to the paid-up or nominal capital the net premium received from the sale of shares or stock shall for such purpose be reckoned as part of the paid-up or nominal capital.

49.—(1) The aggregate amount which may be carried by the Company in any year to any reserved fund formed in pursuance of section 76 of the Waterworks Clauses Act 1847 and to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall together not exceed a sum equal to one per centum of the capital for the time being expended by the Company for the purposes of the undertaking.

As to
reserved
and con-
tingency
funds.

(2) The aggregate amount standing to the credit of any such reserved fund and contingency fund of the Company as aforesaid shall together not at any time exceed a sum equal to ten per centum of the capital for the time being expended by the Company for the purposes of the undertaking.

A.D. 1930.
—
Limitation
on carry
forward.

50. It shall not be lawful for the Company to carry forward at the end of any year to the credit of the profit and loss (net revenue) account any sum exceeding the total of the following amounts (that is to say) :—

- (a) the amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year;
- (b) an amount equal to the total sum which the Company would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year; and
- (c) an amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages debentures or debenture stock.

Redeem-
able pre-
ference
shares or
stock and
debenture
stock.

51.—(1) The Company may create and issue all or any of the preference shares or stock or debenture stock which they may hereafter create and issue under the powers of any of their Acts or Orders (all of which together with any redeemable debenture stock already issued by the Company are in this section included in the expression "stock") so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed or to be passed at a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may—

- (a) call in and pay off the stock or any part thereof at any time before the date fixed for redemption; and
- (b) redeem the stock or any part thereof either by paying off the stock or by issuing to the holder of any stock subject to his consent other stock in substitution therefor.

(3) For the purpose of providing money for paying off the stock or for the purpose of providing substituted stock the Company may create and issue new stock (either redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid :

Provided that the creation and issue for any such purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock. A.D. 1930.
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(4) The Company shall not redeem out of revenue any stock created and issued as aforesaid.

(5) Any stock created and issued solely in substitution for stock shall not be subject to the provisions of the section of this Act of which the marginal note is "Shares or stock to be sold by auction or tender."

52. 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.

53. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company— Register of shareholders and shareholders' address book.

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

54. In addition to any other provisions of the existing Acts and Orders repealed by the foregoing provisions of this Act the following enactments are hereby repealed (that is to say):— Repeal.

The Act of 1898—

The unrepealed provisions of section 63 (Certain provisions as to supply) as amended by section 7 (Amendment of Act of 1898 as to supply by meter in certain cases) of the Order of 1920.

[Ch. lxxxiv.] *Mid Kent Water* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

The Act of 1913—

Section 27 (As to supply by meter for certain purposes);

Section 32 (Rates payable by owners of small houses);

Section 35 (Supply by measure);

So much of section 60 (New shares or stock to be sold by auction or tender) as relates to the Company.

The Act of 1923—

Section 29 (Issue of redeemable preference capital and debenture stock) except subsection (4) thereof.

The Act of 1928—

Section 14 (Charges for supplies to refrigerators).

Saving for
general
Act.

55. Nothing in this Act shall exempt the Company or their undertaking from the provisions of any general Act which may hereafter be passed relating to charges for the supply of water.

Costs of
Act.

56. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

The SCHEDULES referred to in the foregoing Act.

[20 & 21 GEO. 5.]

Mid Kent Water
Act, 1930.

[Ch. lxxxiv.]

THE FIRST SCHEDULE.

CAPITAL OF THE COMPANY AUTHORISED BY THEIR PREVIOUS ACTS AND ORDERS.
(A) STATEMENT OF CAPITAL (SHARES).

Act or Order.	Description of capital.	Amount authorised.	Amount raised.	Premiums Received less discounts.	Remaining to be issued.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
Act of 1898 -	Original Ordinary £10 shares 10 per cent.	18,000 0 0	18,000 0 0	—	—
	Original Preferred £10 shares 6 per cent.	15,000 0 0	15,000 0 0	—	—
	Additional capital. Ordinary 7 per cent. or Preference 6 per cent. £10 shares (not more than £43,500 to be issued as Preference).	87,000 0 0	43,500 0 0 (5 per cent.) 4% Pfce.		
Act of 1900 -	Ordinary 7 per cent. or Preference 6 per cent. £10 shares (not more than £10,000 to be issued as Preference).	40,000 0 0	26,660 0 0 4% Pfce.		
Order of 1906	Ordinary 7 per cent. or Preference 6 per cent. £10 shares.	40,000 0 0	20,000 0 0 7% Pfce.	11,841 18 0	6,138 2 0
Order of 1907	Ordinary 7 per cent. or Preference 6 per cent. £10 shares.	20,000 0 0	33,340 0 0 5½% Pfce.		
Act of 1913 as increased by Order of 1920.	Ordinary 7 per cent. or Preference 6 per cent. £10 shares (increased by Order of 1920 to Ordinary 8 per cent. or Preference 7 per cent. in relation to any additional capital authorised by Act of 1913 or Order of 1920 issued after commencement of that Order).	160,000 0 0	10,520 0 0 5% Pfce. 195,000 0 0 7% Ordly.		
		£380,000 0 0	£362,020 0 0	£11,841 18 0	£6,138 2 0

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(B) STATEMENT OF LOAN CAPITAL.

Act or Order.	Amount authorised.	Total amount borrowed.	Discounts less premiums received.	Remaining to be borrowed.
Act of 1898 : In respect of original capital - - - In respect of additional capital (as increased by Act of 1923).	£ 8,000 43,500	4% Redeemable Debentures £46,740	£ s. d. 3,048 10 2	£ 26,500
Act of 1900 : In respect of additional capital (as increased by Act of 1923). Order of 1906 : (as increased by Act of 1923) - - - Order of 1907 : (as increased by Act of 1923) - - - Act of 1913 : (as increased by Order of 1920 and Act of 1923)	20,000 20,000 10,000 80,000	5% Redeemable Debentures £18,269 5% Debenture Stock £90,000	£3,048 10 2	£26,500
	£181,500	£155,000	£3,048 10 2	£26,500

THE SECOND SCHEDULE.

A.D. 1930.

DESCRIPTION OF NEW LIMITS OF SUPPLY.

In the rural district of Dartford—

So much of the parish of Farningham as lies to the south and east of the lines hereafter described :—

(a) a straight line drawn in a north-easterly direction commencing from a point in the road leading from Beesfield to Maplescombe opposite the north corner of the enclosure numbered 92 on the $\frac{1}{2500}$ Ordnance map of the said parish edition of 1908 (sheet No. XVII-15) and terminating at a point on the west side of the main road leading from Farningham to Wrotham at the north-east corner of enclosure numbered 221 (Ashen Grove) on the said Ordnance map (sheet No. XVII-11);

(b) a straight line drawn in a northerly direction commencing at the point last mentioned and terminating at a point on the north side of the road at the most southerly corner of enclosure numbered 214 (Gabrielspring Wood) on the said Ordnance map (sheet No. XVII-11) thence along the southern boundary of Gabrielspring Wood to the point where the boundary of the wood strikes towards the north-west thence in an easterly direction in a straight line across enclosure numbered 244 on the said Ordnance map (sheet No. XVII-11) to a point where the boundary of the parish of Horton Kirby cuts the south side of the road leading past enclosure numbered 188 (The Rookery) on the said Ordnance map (sheet No. XVII-11) towards Fawkham Green and being at a distance of 560 feet measured in an easterly direction from the south-east corner of enclosure numbered 189 on the said Ordnance map (sheet No. XVII-11) thence following the southern boundary of the parish of Horton Kirby to the boundary stone at the south-east corner of the parish of Horton Kirby in the said road.

In the rural district of East Ashford—

The parish of Hurst.

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A.D. 1930. In the rural district of Faversham—

The parishes of Buckland Boughton under Blean Hernhill Goodnestone Graveney and Stone next Faversham.

So much of the parish of Luddenham as is distant more than one mile and a half from the town hall of the borough of Faversham.

So much of the parishes of Ospringe and South Preston Without as were not included within the limits for the supply of water of the Faversham Water Company by the Faversham Water Act 1901 (that is to say) so much thereof respectively as is distant more than one mile and a half from the town hall of the borough of Faversham.

The whole of the parish of Faversham Without with the exception of—

(a) the part thereof which was included within the limits for the supply of water of the Faversham Water Company by the Faversham Water Act 1901; and

(b) so much thereof as is described on the $\frac{1}{2500}$ Ordnance map of the said parish edition of 1908 (sheet No. XXXIV-1) as “No. 1 Faversham Without (Detached).”

The whole of the parish of Dunkirk with the exception of so much thereof as lies to the east of a straight line commencing at the junction of Radfall Road and the footpath leading from that road to Little Den Lees and thence proceeding in a south-easterly direction to and terminating at the northern corner of the enclosure numbered 46 in the parish of Harbledown on the $\frac{1}{2500}$ Ordnance map of that parish (third edition 1907) sheet No. XXXV-14.

In the rural district of Hollingbourne—

The parish of Stockbury.

In the rural district of Romney Marsh—

The parishes of Brenzett Brookland Eastbridge Fairfield Ivychurch Midley Newchurch Old Romney St. Martins Snargate and Snave.

In the rural district of Tenterden—

The parishes of Appledore, Kenardington and Woodchurch including the detached portions of the above-named parishes.

THE THIRD SCHEDULE.

A.D. 1930.

AN AGREEMENT made the twelfth day of November nineteen hundred and twenty-nine between THE RURAL DISTRICT COUNCIL OF FAVERSHAM in the county of Kent (hereinafter called "the Council") of the one part and THE MID KENT WATER COMPANY whose principal office is situate at Snodland in the county of Kent (hereinafter called "the Company") of the other part.

WHEREAS the rural district of Faversham in the said county of Kent (hereinafter called "the district") is under the jurisdiction of the Council and the Council have under the powers conferred upon them in that behalf by the Public Health Act 1875 constructed in the parishes of Boughton under Blean and Dunkirk in the district certain waterworks (hereinafter called "the said waterworks") and are supplying water therefrom in the said parishes of Boughton under Blean and Dunkirk;

And whereas the parishes of Graveney Hernhill and such part of the parish of Ospringe as is hereinafter referred to all of which are situate in the district are without a public supply of water and it is desirable and in the interests of public health that such a supply should be afforded therein and that a further and better supply of water should be afforded in the said parishes of Boughton under Blean and Dunkirk;

And whereas the maintenance of the said waterworks and the undertaking connected therewith by the Council has been unremunerative and burdensome to the ratepayers of the said parishes of Boughton under Blean and Dunkirk;

And whereas the Company is a statutory company incorporated by the Mid Kent Water Act 1898 and is authorised under that Act and its subsequent Acts and Orders to supply water within certain water limits which include (inter alia) numerous parishes in the district of the Council but do not include any part or parts of the said parishes of Boughton under Blean Dunkirk Graveney Hernhill and Ospringe;

And whereas so much of the said parish of Ospringe as is within a distance of one and one-half miles from the town hall of the borough of Faversham is within the statutory limits of water supply of the Faversham Water Company (hereinafter called "the Faversham Limits") under the Acts and Orders relating to that Company;

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And whereas the Company are in a position (subject to obtaining the necessary statutory authority therefor) to afford from their own sources of supply a supply of water to the said parishes of Boughton under Blean Graveney and Hernhill to so much of the parish of Dunkirk as is hereinafter mentioned and also to so much of the said parish of Ospringe as is not within the Faversham Limits more economically and effectually than the Council;

And whereas the Council have in these circumstances agreed to sell and the Company have agreed to purchase the property of the Council hereinafter described upon the terms and subject to the conditions hereinafter contained;

And whereas the Company intend to promote in the Session of Parliament of 1930 a Bill (hereinafter referred to as "the Bill") to be intituled "the Mid Kent Water Bill" to which Bill it is intended that this Agreement shall be scheduled with a view to the same being thereby confirmed by Parliament and made binding upon the parties hereto:

Now it is hereby mutually agreed by and between the Council and the Company as follows that is to say:—

1. Subject to the provisions of this Agreement the Council shall sell and the Company shall purchase the property next hereinafter mentioned (hereinafter called "the said property") that is to say:—

- (a) The reservoir of the Council situate at the top of Boughton Hill in the parish of Dunkirk together with the land and appurtenances appertaining thereto or held therewith which reservoir is shown upon the plan annexed hereto and thereon coloured yellow;
- (b) All the mains and pipes used by or belonging to the Council in connection with their water undertaking and situate in the said parishes of Boughton under Blean and Dunkirk and which are shown on the said plan and thereon coloured green blue and red together with all valves hydrants fire plugs wash-outs tanks meters keys machinery and apparatus affixed to or used in connection therewith;
- (c) All mains pipes valves hydrants fire plugs wash-outs tanks meters keys machinery and apparatus (all of which are hereinafter called "the additional works") which between the 12th day of November 1928 and the day of transfer (as hereinafter defined) shall with the previous written approval of the managing director or other duly authorised officer of the Company have been laid by the Council or affixed by the Council as additions to or extensions of the mains and pipes referred to in the last preceding paragraph (b) of this clause but

not including any mains pipes or other works which may between the said dates have been laid or constructed by the Company as agents for the Council under any separate arrangements independent of this Agreement which separate arrangements shall be unaffected thereby ;

- (d) The benefit of all agreements as to or concerning the sale or supply of water by the Council to which the Council or some body or person on their behalf is a party existing on the day of transfer (as hereinafter defined) but subject to the obligations of the Council in respect of the said agreements ;

The well and pumping station of the Council in the said parish of Boughton under Blean and the reservoir of the Council situate at Horse-Lees in the parish of Dunkirk in the district together with the land buildings pumps machinery fittings and appurtenances appertaining thereto or held therewith shall not be included in the sale but shall be retained by the Council.

2. The consideration for the sale of the said property shall be as follows that is to say :—

- (a) The payment by the Company to the Council of the sum of £3,423 17s. 3d. ; and
(b) The payment by the Company to the Council of a sum equal to the actual cost to the Council—

(i) of purchasing laying and fixing the additional works (if any) which the Council with the previous written approval hereinbefore referred to may have laid and fixed between the respective dates referred to in paragraph (c) of clause 1 hereof ; and

(ii) of making any alterations and improvements (not being ordinary working expenses or expenses of maintenance and repair) which the Council with the like approval may have made in connection with the mains and other works specified in paragraph (b) of clause 1 hereof between the before mentioned dates.

3. The purchase shall be completed at the offices of the clerk to the Council on the 29th day of September or the 25th day of March (as the case may be) which may occur next immediately after the Royal Assent has been given to the Bill (which 29th day of September or 25th day of March is hereinafter called "the day of transfer") and thereupon the Council shall execute all deeds and documents and do all things reasonably required by the Company for carrying into effect the sale and purchase and for duly transferring to and vesting in the Company the said property free from all debts liabilities obligations and incumbrances affecting the same (save as hereinbefore mentioned) and

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A.D. 1930. — for letting the Company into possession thereof and giving them the full benefit of this Agreement and shall procure the execution of such deeds and documents by all other (if any) necessary parties. As from the day of transfer the Council shall not supply water in any of the parishes or part of a parish referred to in paragraph 9 (a) of this agreement except in the circumstances and upon the happening of the events referred to in paragraph 10 (b) of this Agreement.

4. The Council shall be entitled to all the rents and profits accrued due in respect of the said property or their water undertaking up to the day of transfer other than water rents or water rates payable in advance in respect of the quarter next succeeding the quarter ending on the day of transfer (which shall belong to the Company) and shall discharge all trade accounts outgoings and liabilities (except as herein otherwise provided for) up to that day and shall indemnify the Company therefrom and as from the day of transfer the Company shall be entitled to all such rents and profits. The said rents profits and outgoings shall as far as necessary be apportioned. The Council shall have and may exercise after the day of transfer all such statutory and other rights of the Council as may be requisite for ascertaining and enforcing payment of all moneys which on that day may be due to them. The Council shall also indemnify the Company from and against all claims and demands in respect of compensation for loss of office or of employment or fees or in respect of superannuation or compassionate allowances pensions or the like arising out of or in connection with the water undertaking of the Council or the transfer of the said property to the Company.

5. The Council shall until the day of transfer carry on and manage their said water undertaking according to their usual course of business and shall uphold maintain and keep the said property the subject of this sale in its present state and condition (reasonable wear and tear and accidents and strikes of workmen excepted) and shall continue to keep proper accounts. Provided always that (in addition and without prejudice to the provisions of clauses 1 and 2 hereof) the Council shall not without the previous consent in writing of the Company borrow money on mortgage or otherwise and shall not without the like consent contract make or enter into any new liability contract agreement or other obligation in respect of their said water undertaking except such as may be necessary in the ordinary course of the proper conduct thereof and with the intention of benefiting the same.

6. The Council shall if required by the Company deliver to them an abstract of their title to the lands included in the said property the root of title to be not less than twenty years previous to the day of transfer unless the Council on the purchase by them

of the said lands shall have accepted a root of title subsequent to such date in which case such root of title thereto shall be accepted.

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—

7. The Council shall on the day of transfer deliver to the Company all books deeds agreements engineers' opinions and reports plans descriptions of works vouchers letters books and other records of the business and proceedings of the Council which and so far as the same relate solely to the water undertaking of the Council but the Council will retain such as relate to the said undertaking and also to other matters within the jurisdiction of the Council. The Council will permit the Company at all reasonable times after the day of transfer at their own expense and for any purpose connected with the carrying on by the Company of their water undertaking to inspect and make copies of or extracts from any such books deeds or other documents so retained by the Council and the Company will permit the Council at all reasonable times after such day at their own expense and for any purpose connected with the winding-up of the affairs of their water undertaking to inspect and make copies of or extracts from any such books deeds or other documents as aforesaid which may be delivered by the Council to the Company under the provisions of this clause. The Company will also at the request of the Council lend to the Council any of such books or documents which are required by the Council temporarily for the purpose of audit or any similar or other purpose the Council undertaking to return them to the Company after use for any such purpose.

8. The Company shall be entitled to possession of the said property on the day of transfer whether the purchase shall have been actually completed or not but if from any cause (other than the wilful default of the Council) all or any part of the aforesaid sum of £3,423 17s. 3d. forming the consideration for the sale or of any other sums payable by the Company on the day of transfer shall not be paid on that day the Company shall pay to the Council interest at the rate of six per centum per annum on the moneys so remaining unpaid from the day of transfer until payment thereof.

9. The Company shall seek and use their best endeavours to obtain by means of the Bill such statutory authority as may be necessary—

- (a) to extend (conditionally on this Agreement being carried into effect) the statutory limits of water supply of the Company so as to include therein the said parishes of Boughton under Blean Graveney and Hernhill the whole of the parish of Dunkirk with the exception of so much thereof as lies within one-half of one mile from the

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main road from Canterbury to Whitstable and so much of the said parish of Ospringe as is not within the Faversham Limits (hereinafter referred to as "the proposed extended limits"); and

(b) to carry this agreement into effect;

and the Council shall consent to the said extension of the Company's statutory limits of water supply and aid and assist the Company in obtaining the said intended statutory authority and in furtherance of this object shall supply to the Company free of charge such information particulars and evidence in the possession of the Council or of any of their officers and servants as the Company may reasonably require and the Council by their officers or members shall support the Bill by evidence or otherwise if need be. Provided that the Company shall repay to the Council the taxed costs of the clerk to the Council in respect of any professional work done by the clerk relative to matters arising out of this agreement such payment or contribution by the Company in respect of or towards such costs not however in any event to exceed a total of fifty pounds.

10. The Bill as deposited in Parliament shall provide (inter alia) :—

(a) for the exercise by the Company within the proposed extended limits of the powers conferred upon the Company by the Acts and Orders of the Company (including the Bill when the same shall become effective) and for such Acts and Orders and the Acts incorporated therewith respectively and all byelaws and regulations made thereunder having effect and being for all purposes in full force within the proposed extended limits; and

(b) that the right of the Council to provide a supply of water in accordance with the provisions of the Public Health Act 1875 in any part of the proposed extended limits not sufficiently supplied by the Company or to apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any such part of the proposed extended limits shall not arise unless after the expiration of five years from the day of transfer the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of their Acts and Orders (including as aforesaid) throughout the proposed extended limits.

The Company shall be entitled to include in the Bill such other provisions of whatsoever nature as they think fit subject to the right of the Council at their own expense to object to or oppose the same so far as the same may affect the Council or the district.

11. This Agreement is subject to statutory authority sanctioning the same or enabling the same to be carried into effect and sanctioning the said extension of water limits being obtained by means of the Bill and also to—

- (i) this agreement and the promotion of the Bill being confirmed by the shareholders of the Company in general meeting pursuant to the Standing Orders of Parliament; and
- (ii) the Bill (or so much thereof as relates to the subject-matter of this Agreement) being passed by both Houses of Parliament and to such alterations as may be made by Parliament therein;

but in the event of either House of Parliament making any material alteration in this Agreement or in the Bill to the prejudice of either party either the Company or the Council may upon giving notice in writing to the other before the Bill shall be read a third time in the Second House withdraw from this Agreement and in such case or if such confirmation by the shareholders shall not be obtained or if the Bill shall not be passed this Agreement shall be void and of no effect and in the event of either House of Parliament requiring that any restriction or condition be imposed upon the Company in relation to the subject-matter of this agreement to which the Company shall be unwilling to submit it shall be lawful for the Company by notice in writing to the Council at any time prior to the stage aforesaid to cancel this agreement.

12. On and from the obtaining of such statutory authority as aforesaid sanctioning or giving effect to this agreement the duly authorised officer or officers of the Company shall have access to the offices of the Council during office hours and may inspect the books papers records and writings of the Council relative to their water undertaking and make themselves acquainted with the affairs of that undertaking preparatory to the completion of the purchase of the said property on the day of transfer and the Council shall direct their clerk or other officers to give to the said officer or officers of the Company such assistance and information relating to such affairs as they may require.

13. In the event of this Agreement being given effect to nothing therein contained shall prevent the Company from at any time or times after the day of transfer making such application as they think fit to Parliament the Minister of Health or other competent authority for further statutory powers or for the extension alteration or amendment of their existing statutory powers in relation to the supply of water or prejudice or affect them in relation thereto or prevent the Council from opposing any such application for the purpose (inter alia) of obtaining any such

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A.D. 1930. protection in relation to the subject-matter of this Agreement as they may think necessary or prejudice or affect them in relation thereto.

14. If any question difference or dispute shall arise with reference to this Agreement or the construction thereof or as to anything herein contained or as to anything not fully provided for or as to the rights liabilities or duties of either party hereunder the same shall be referred to an arbitrator to be appointed by the Minister of Health and the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to such reference and arbitration and to this Agreement as if it were a submission to arbitration under that Act.

15. As from the date of this Agreement the Agreement dated the 12th day of November 1928 and made between the Council of the one part and the Company of the other part is hereby cancelled and annulled without prejudice nevertheless to anything done or suffered thereunder and to any rights of either of the parties thereto against the other of them acquired thereunder in respect of any matters antecedent to the date of this Agreement.

In witness whereof the Council and the Company have caused their common seals to be hereunto affixed the day and year first above written.

The common seal of the MID KENT WATER }
COMPANY was affixed hereto in the presence of }

L.S.

F. L. BALL }
G. L. THOMSON } Directors.

L. HOLMAN Secretary.

The common seal of the RURAL DISTRICT }
COUNCIL OF FAVERSHAM was hereunto affixed }
by HENRY THOMAS BENSTED the presiding }
chairman pursuant to a resolution passed by }
the Council at a meeting duly convened and }
held on the seventh day of August one thou- }
sand nine hundred and twenty-nine in the }
presence of }

L.S.

GUY TASSELL
Clerk to the Council.

THE FOURTH SCHEDULE.

A.D. 1930.

DESCRIPTION OF PROTECTIVE AREA.

So much of the parishes of Buckland (detached) Norton Ospringe and Stone in the rural district of Faversham as is situate in the area bounded by a line commencing at the point on the boundary between the said parish of Norton and the parish of Newnham (hereinafter called "the point of commencement") where the road from Homestall to the Newnham to Watling Street Road is joined by the road from Leeses' Wood and thence proceeding in a north-westerly northerly and north-westerly direction along the said parish boundary to the west corner of the enclosure numbered 86 in the said parish of Norton on the $\frac{1}{2500}$ Ordnance map (edition of 1908 Kent sheet No. XXXIII-15) thence proceeding in a north-easterly direction along the north-west boundaries of the said enclosure numbered 86 and the enclosure numbered 79 in the same parish on the Ordnance map thereof (edition 1908 sheet No. XXXIII-11) to the north corner of the said enclosure numbered 79 thence proceeding in a straight line in a northerly direction across the enclosures numbered 85 80 and 80A in the same parish on the same Ordnance map and sheet to the north corner of the said enclosure numbered 80A thence proceeding in a straight line in an easterly direction across the enclosure numbered 81 and 81A in the same parish on the Ordnance map thereof (edition 1908 sheet No. XXXIII-12) to the east corner of the said enclosure numbered 81A thence proceeding in a north-easterly direction along the boundary between the enclosures numbered 39 and 62 in the same parish on the same Ordnance map and sheet to the road from Provender to Lewson Street and across the said road to the north-west corner of the enclosure numbered 40 in the same parish on the same Ordnance map and sheet thence proceeding in a south-easterly direction along the boundary between that enclosure and the enclosure numbered 41 in the same parish on the same Ordnance map and sheet to the south corner of the said enclosure numbered 41 thence proceeding in a north-easterly direction along the boundary between the said enclosure numbered 41 and the enclosure numbered 43A in the same parish on the same Ordnance map and sheet to the north corner of the said enclosure numbered 43A thence proceeding in a south-easterly direction along the north-east boundary of the said enclosure numbered 43A to the east corner of the said enclosure thence proceeding in a north-easterly direction along the south-east boundaries of the enclosures numbered 43 and 42 in the same parish on the same Ordnance map and sheet and the west side of the road from Lewson Street to Barbury Farm to the south corner of the enclosure numbered 30 in the same parish on the same Ordnance map and sheet thence proceeding in a

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