

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxii.]  
*Provisional Order Confirmation (Sheppey Water)*  
*Act, 1934.*



## CHAPTER lxii.

An Act to confirm a Provisional Order of the Minister of Health relating to the Sheppey Water and Lighting Company Limited. A.D. 1934.  
[25th July 1934.]

**W**HEREAS under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 the Minister of Health has made a provisional order which needs confirmation by Parliament: 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 89.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The order of the Minister of Health which as amended is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Sheppey Water) Act 1934. Short title.

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SCHEDULE.

*Sheppey*  
*Water Order.*

**SHEPPEY WATER.**

*Provisional Order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 confirming the construction of waterworks by the Sheppey Water and Lighting Company Limited and for other purposes.*

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

Short and  
collective  
titles.

1. This Order may be cited as the Sheppey Water Order 1934 and the Sheppey Water Order 1929 and this Order may be cited together as the Sheppey Water Orders 1929 and 1934.

Commence-  
ment of  
Order.

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

Interpreta-  
tion.

3.—(1) In this Order the several words terms and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned shall unless the context otherwise requires have the same respective meanings.

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

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

“the limits of supply” means the limits for the time being of the Undertakers for the supply of water;

“the Order of 1929” means the Sheppey Water Order 1929;

“the Undertakers” means the Sheppey Water and Lighting Company Limited;

“the undertaking” means the water undertaking of the Undertakers as for the time being authorised.



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4.—(1) So far as the same relate to the powers conferred by this Order the provisions of—

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- (a) The Lands Clauses Acts (except the provisions with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking); and  
 (b) The Waterworks Clauses Acts 1847 and 1863 as amended by any enactment;

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 Water Order.  
 Incorporation  
 of Acts.*

are (except where those provisions are inconsistent with or expressly varied by this Order) incorporated with this Order. Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” were omitted therefrom.

(2) For the purpose of such incorporation the term “special Act” in the said Acts shall be construed to mean this Order and the term “Company” shall mean the Undertakers.

5. Notwithstanding the provisions of section 22 (Completion of works) of the Order of 1929 the construction of Work No. 1 and Work No. 2 authorised by that Order is hereby sanctioned and confirmed and the said works shall for all purposes whatsoever form part of and be comprised in the undertaking.

*Confirmation  
 of construc-  
 tion of  
 works.*

6. The Undertakers may require that any dwelling-house erected after the commencement of this Order situate on land at a higher level than fifty feet below the service reservoir or tank from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Undertakers shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

*Cisterns.*

7. Section 72 of the Waterworks Clauses Act 1847 as incorporated with this Order shall in relation to the undertaking be read and have effect as if for the references therein to “ten pounds” and “annual value” respectively there were substituted references to fifteen pounds and 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 Water-  
 works  
 Clauses Act  
 1847.*

8.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the

*Charges for  
 horses and  
 washing  
 vehicles.*

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A.D. 1934. Undertakers may if a stand-pipe or tap be fixed on such premises charge (except where the water so used is taken by meter) such sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding five shillings per annum for each motor car beyond the first :

—  
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Provided that if a hose-pipe or other similar apparatus be used in connection with the said stand-pipe or tap the Undertakers may charge an additional sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further additional sum not exceeding five shillings per annum for each motor car beyond the first.

(2) Any sums chargeable under this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(3) Where water supplied by the Undertakers to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Undertakers may if they think fit require that all water so used by means of such hose-pipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

(4) Section 34 (Charges for supply by hose-pipe) of the Order of 1929 is hereby repealed.

Charges for  
supplies for  
refrigerating  
apparatus  
&c.

9. Where a person who takes a supply of water otherwise than by meter for domestic purposes from the Undertakers desires to use any water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus (other than apparatus used for softening water for domestic supplies which does not require water for cleaning cooling regenerating or for motive power or similar purposes) depending while in use upon a supply of continuously running water the Undertakers shall be entitled to require that all water so used shall—

(a) be taken by meter and paid for accordingly and if the consumer takes a supply for domestic purposes only 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 Undertakers.



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

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—  
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Special terms  
for supplies  
to caravans  
&c.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of or incorporated with this Order the Undertakers shall not (unless required so to do by the Minister) supply water to any such structure as aforesaid if the local authority of the district in which the structure is situate objects to the supply being given.

(4) For the purpose of ascertaining whether or not the local authority of the district in which the structure is situate objects to such supply being given the Undertakers shall before affording such supply give to such local authority not less than fourteen days' notice in writing of their intention to do so.

11. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 contained the Undertakers shall be entitled to demand payment of water rates in 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.

As to  
quarterly  
dates for  
payment of  
water rates.

12. The Undertakers by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Undertakers to the occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Undertakers is laid or fixed and through or in which the supply of water is from any cause other than the default of the Undertakers discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning

Power to  
remove  
meters and  
fittings.

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A.D. 1934. and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.  
—  
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Extension of section 60 of Waterworks Clauses Act 1847. 13. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Undertakers who shall without the authority of the Undertakers turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Undertakers and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

Extension of power to inspect premises. 14. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Undertakers may at all reasonable times between the hours of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Undertakers 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.

Provisions as to fireplugs. 15. The sections of the Waterworks Clauses Act 1847 relating to fireplugs shall in their application to the Undertakers and to any urban or rural district within the limits of supply have effect as if the council of such district were therein substituted for the town commissioners and as if the reference in section 38 of the said Act to the proper position or number of fireplugs included a reference to the pattern and price of the fireplugs :

Provided that if the pattern of any fireplug which may in case of any difference of opinion be settled under the provisions of the said section 38 shall cause or allow a waste of water or an access of air to the mains of the Undertakers then the Undertakers may have the same removed and the expense of such removal shall be borne by the district council affected and the Undertakers in equal shares.

Extension of powers for preventing waste &c. of water. 16.—(1) In addition to the powers conferred by section 42 (Byelaws for preventing waste of water) of the Order of 1929 the Undertakers may make byelaws as to the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus and prescribing the charge for such testing and stamping and all such byelaws shall be subject to the provisions contained in subsections (2) (3) (4)



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(5) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and those sections shall for the purpose of this section be construed as if the Undertakers were a local authority within the meaning of those sections and the secretary of the Undertakers were the clerk to the local authority. The confirming authority for the purpose of the said section 250 shall be the Minister.

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(2) Nothing in the preceding subsection or in any byelaws made thereunder shall apply to any pipes or fittings used on any premises which form part of the railways of the Southern Railway Company so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Undertakers.

(3) Any person who shall forge or counterfeit any stamp or mark used by the Undertakers or by the authority of the Undertakers for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

17. The provisions of section 55 (Crown rights) and of section 56 (For protection of War Office Admiralty and Air Council) of the Order of 1929 shall respectively apply and have effect for the protection of any estate right power privilege or exemption of the Crown and for the protection or benefit of His Majesty's Principal Secretary of State for the War Department the Admiralty and the President of the Air Council with reference to the exercise of the powers conferred by this Order as if the said provisions had with the necessary modifications been re-enacted in this Order.

Crown rights  
and for pro-  
tection of  
War Office  
Admiralty  
and Air  
Council.

18. The provisions of section 58 (For protection of Kent County Council) of the Order of 1929 shall apply and have effect for the protection or benefit of the county council of the administrative county of Kent with reference to the exercise of the powers conferred by this Order as if the said provisions had with the necessary modifications been re-enacted in this Order.

For protec-  
tion of Kent  
County  
Council.

19.—(1) The Undertakers shall deliver to the Registrar of Companies a printed copy of the Act passed for the confirmation of this Order and he shall retain and register the same and if such copy is not so delivered within three months from the passing of that Act the Undertakers shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Undertakers who knowingly and wilfully authorises such default shall incur a like penalty. Every penalty under this section shall be recoverable summarily.

Copy of con-  
firmation  
Act to be  
registered.

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(2) There shall be paid to the Registrar by the Undertakers on such copy being registered the like fee as is for the time being payable under the Companies Act 1929 on registration of any document other than a Memorandum of Association or the abstract required to be delivered to the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding up in England.

Inquiries and  
expenses.

20.—(1) The Minister may hold any inquiries which he may deem necessary for the purposes of his powers under the Order of 1929 or this Order and section 290 of the Local Government Act 1933 shall apply as if the Undertakers were a local authority.

(2) Where the Minister causes any such inquiry to be held the costs incurred by him in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as the Minister may determine for the services of any inspector or officer of the Minister engaged in the inquiry) shall be paid by the Undertakers or such district council as the Minister may direct and the Minister may certify the amount of the costs so incurred and any sum so certified and directed by the Minister to be paid by the Undertakers or any district council shall be a debt due to the Crown from the Undertakers or that district council.

Power to  
local autho-  
rities to  
guarantee on  
behalf of  
owners and  
occupiers.

21. Any requisition which may be made under section 35 of the Waterworks Clauses Act 1847 as incorporated with this Order by owners or occupiers of houses requiring a supply of water may be made by the local authority of the district on behalf of such owners and occupiers and shall be binding on the Undertakers if the local authority execute an agreement binding themselves to pay for three successive years at least for the supply of water to the houses in respect of which the requisition was made the amount which would have been payable under the said section in its application to the Undertakers by such owners or occupiers.

Costs of  
Order.

22. All costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers and may be defrayed wholly or partly out of revenue.

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