

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*



CHAPTER lxxviii.

An Act to confirm a Provisional Order of the Minister of Health relating to the Herriard and Lasham Water Company Limited. A.D. 1934.

[25th July 1934.]

WHEREAS 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 (Herriard and District Water) Act 1934. Short title.

[Ch. lxxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

SCHEDULE.

*Herriard
and District
Water Order.*

HERRIARD AND DISTRICT WATER.

Provisional Order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 for empowering the Herriard and Lasham Water Company Limited to maintain Waterworks and to supply Water in parts of the Rural Districts of Alton and Basingstoke in the County of Southampton.

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

PART I.

PRELIMINARY.

- Short title. 1. This order may be cited as the Herriard and District Water Order 1934.
- Commence-
ment of
order. 2. This order shall come into operation upon the date of the Act of Parliament confirming it.
- Undertakers. 3. The Herriard and Lasham Water Company Limited shall be the Undertakers for the purposes of this order.
- Incorporation of Acts. 4. So far as the same relate to the powers conferred by this order the provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are except where the same are inconsistent with or expressly varied by this order hereby incorporated with and form part of this order For the purpose of such incorporation the term "special Act" in the said Acts respectively shall be construed to mean this order and the term "company" shall mean the Undertakers :

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.

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

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

A.D. 1934.

—
*Herriard
and District
Water Order.*

Interpreta-
tion.

(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 directors” means the directors of the Undertakers;

“the limits of supply” means the limits within which the Undertakers are for the time being authorised to supply water;

“the Minister” means the Minister of Health;

“telegraphic line” has the same meaning as in the Telegraph Act 1878;

“the Undertakers” means the Herriard and Lasham Water Company Limited;

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

PART II.

LIMITS OF SUPPLY.

6. The limits of supply shall be the areas in the county of Southampton described in the schedule to this order:

Limits of
supply.

Provided that the Undertakers shall not supply water within so much of the parish of Four Marks as was immediately prior to the commencement of the County of Southampton Review Order 1932 part of the parish of Farrington without the previous consent in writing of the Wey Valley Water Company and then only within such part or parts of the said area as shall be defined in such consent. Provided also that if after any such consent has been given the Wey Valley Water Company are able and willing to give a supply of water within the said area or within the part or parts thereof in respect of which such consent as aforesaid shall have been given and give not less than one month's notice to that effect to the Undertakers the rights powers obligations and duties of the Undertakers with respect to the supply of water within the area to which the notice relates shall at the expiration of the said notice cease and determine:

Provided further that for a period of two years after the commencement of this order the Undertakers shall not supply water within any part or parts of the parishes of Four Marks and Medstead in the rural district of Alton without the previous consent in writing of the rural district council of Alton and then only within such part or parts of the said parishes as shall be

[Ch. lxxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

—
*Herriard
and District
Water Order.*

defined in any such consent and during the said period of two years after the commencement of this order the rural district council of Alton may if they think fit and in accordance with the provisions in that behalf of the Public Health Act 1875 provide a supply of water within any part or parts of the said parishes of Four Marks and Medstead which are not subject to any such consent of the rural district council to the provision of a supply of water by the Undertakers as is herein mentioned :

Provided also that the provisions of section 52 of the Public Health Act 1875 shall not apply to the rural district council of Alton during the said period of two years after the commencement of this order in respect of any part or parts of the said parishes of Four Marks and Medstead and if the rural district council of Alton provide a sufficient supply of water for the said parishes of Four Marks and Medstead or any part or parts thereof and give notice to that effect to the Undertakers the rights powers obligations and duties of the Undertakers with respect to the supply of water within the area to which the notice relates shall cease and determine. If any difference shall arise between the Undertakers and the rural district council of Alton as to whether any such supply of water provided by the said council is a sufficient supply such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister.

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

7.—(1) If after the expiration of five years from the commencement of this order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this order throughout the limits of supply the district council of any district in whole or in part within the limits of supply may provide a supply in accordance with the provisions of the Public Health Act 1875 or any such district council or any company body or person may apply for an Act of Parliament or provisional order for the purpose of supplying water in any part of the limits of supply not sufficiently supplied by the Undertakers and for the repeal of the powers of the Undertakers in that behalf.

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

As to streets
and roads
forming
boundary of
limits of
supply.

8. Where the limits of supply are bounded by or abut upon any street or road or part of a street or road outside such limits the Undertakers may for the purpose of supplying water to the owner or occupier of any premises abutting upon such street or road or part of a street or road and being within such limits exercise with respect to such street or road or part of a street or

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

road the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets or roads within the said limits subject nevertheless to the observance of the conditions imposed on the exercise of those powers and the owner or occupier of any such premises may for the purpose of laying any communication pipes or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Undertakers and his premises and of opening and breaking up so much of the pavement of the street and any sewer or drain therein as shall be between such main or pipe and his premises as if such street or road or part of a street or road were within the limits of supply Provided that nothing in this section shall entitle or require the Undertakers to supply water to the owner or occupier of any premises abutting upon any such street or road as aforesaid and being outside the limits of supply.

A.D. 1934.

—
*Herriard
and District
Water Order.*

PART III.

FINANCIAL.

9. The share capital of the Undertakers for the purposes of the undertaking shall not exceed twenty thousand pounds consisting of ten thousand pounds of original capital (in this part of this order referred to as "the original capital") and of additional capital not exceeding ten thousand pounds including any premium which may be obtained on the sale of any shares under the provisions of this order (in this part of this order referred to as "the additional capital") unless the Undertakers are after the commencement of this order authorised to raise for the purposes of the undertaking additional capital by provisional order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. Capital.

10. The Undertakers shall not in any one year pay out of the profits of the undertaking any larger dividend on the original capital than ten pounds in respect of every one hundred pounds actually paid up of such 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 ten pounds per centum per annum and on the additional capital 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. Limits of dividend on capital.

[Ch. lxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

*Herriard
and District
Water Order.*

Dividend on
different classes
of shares to be
paid proportion-
ately.

New capital
to be sold by
auction or
tender.
Issue of
shares at dis-
count.

11. In case in any year or half-year (if the Undertakers declare a dividend half-yearly) the funds of the Undertakers in respect of the undertaking applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares in the capital of the Undertakers issued for the purposes of the undertaking a proportionate reduction shall be made in the dividend of each class.

12.—(1) All ordinary and preference shares issued by the Undertakers for the purposes of the undertaking after the commencement of this order shall be issued in accordance with the provisions of this section.

(2) All shares 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 directors 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 local authority of every district in whole or in part within 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 consecutive weeks in one or more local newspapers circulating within the said limits;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the directors in a sealed letter to be received by the Minister 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 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 of the Undertakers 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 an employee of the Undertakers or consumer of water supplied by the Undertakers;
- (e) In the case of a sale by auction a bid (other than a first 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 Undertakers within three months after the date of the auction or after the acceptance of the tender as the case may be.

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

(3) Any shares which have been so offered for sale and are not sold may be offered at the reserve price in manner prescribed by a resolution passed by the directors to the holders of shares of the Undertakers and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportion as the directors may think fit or to one or more of these classes of persons only :

A.D. 1934.

—
*Herriard
and District
Water Order.*

Provided that in case of an offer to holders of shares if the aggregate amount of shares 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 the proportion to the amounts applied for by them respectively.

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

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

(6) Nothing in this order shall be deemed to authorise the issue of any shares at a discount except as provided by the Companies Act 1929.

13.—(1) All moneys including premiums raised under this order shall be applied only to the purposes of the undertaking to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares under the provisions of this order shall not be considered as part of the capital of the Undertakers entitled to dividend. Application of moneys.

(2) The Undertakers may apply to any of the purposes of the undertaking to which capital is properly applicable any money which they have raised for the purposes of the undertaking before the commencement of this order.

14. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-half of the amount of the capital of the Undertakers at the time actually raised in respect of the undertaking by the issue of shares including any premium that may be obtained on the sale of any such shares and no higher rate of interest than six per centum per annum shall be paid by the Undertakers without the consent of the Minister in respect of any moneys borrowed by the Undertakers after the commencement of this order and secured as aforesaid. Limit of borrowing powers.

[Ch. lxxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

*Herriard
and District
Water Order.*

Reserve
fund.

15.—(1) The directors may if they think fit in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of section 18 (Limitation on carry forward) of this order) and any sums so set apart may from time to time be invested in any securities in which trustees are authorised by law to invest money or in such other manner as shall be authorised by a resolution of the directors and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest. The fund so formed shall form a reserve fund to answer any deficiency which may at any time happen or have happened in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Undertakers and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by this section and so from time to time as often as such reduction shall happen :

Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim or demand within the meaning of this section.

(2) Any money standing to the credit of the reserve fund of the Undertakers at the commencement of this order shall forthwith be carried by the Undertakers to the credit of the reserve fund authorised by this section.

(3) Save as in this section provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Contingency
fund.

16. The directors may if they think fit in any year appropriate out of the revenue of the undertaking as part of the expenditure on revenue account such sum as they may determine (subject to the provisions of the next succeeding section of this order) to a fund to be called "the contingency fund" which fund shall be applicable to meet contingencies or for renewing repairing or improving the works connected with the undertaking or any part thereof.

Limit on
reserve and
contingency
funds.

17.—(1) The aggregate amount which may be carried in any year to any reserve fund formed in pursuance of section 15 (Reserve fund) of this order and to any contingency fund formed in pursuance of the immediately preceding section of this order shall not together exceed a sum equal to one per centum of the capital for the time being expended by the Undertakers for the purposes of the undertaking.

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

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

A.D. 1934.
—
*Herriard
and District
Water Order.*

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

Limitation
on carry
forward.

- (a) The amount required by the Undertakers for paying any dividends or interest which the Undertakers 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 Undertakers would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year ;
- (c) An amount equal to the total sum which the Undertakers will be required to pay during the next following year as interest in respect of that year on any mortgages debentures or debenture stock.

PART IV.

LANDS.

19.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Undertakers are from time to time empowered to take the Undertakers may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which the Undertakers may have acquired for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes :

Protection
of water
supply.

Provided that—

- (a) The total quantity of land acquired under this section by the Undertakers shall not exceed twenty acres ; and
- (b) The Undertakers shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Undertakers.

[Ch. lxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

—
*Herriard
and District
Water Order.*

(2) The Undertakers may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Undertakers are empowered to take from being polluted and the Undertakers may for those purposes carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Undertakers may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Undertakers or by such owners lessees or occupiers of works for draining such lands or for more effectually collecting conveying and preserving the purity of the waters which the Undertakers are for the time being authorised to take.

Purchase
of lands by
agreement.

20.—(1) The Undertakers in addition to any lands which they are otherwise authorised by this order to acquire may subject to the limitation mentioned in subsection (2) of this section from time to time purchase take on lease or otherwise acquire by agreement and use and hold for the purposes of the undertaking any lands and any easements rights or privileges (not being an easement right or privilege of water in which persons other than the parties to the agreement have an interest) in over or affecting any lands which they may from time to time require and the Undertakers may on any lands acquired by them under this section make maintain alter or discontinue such cisterns tanks aqueducts drains cuts sluices pipes culverts engines buildings offices and dwellings and other works (other than works for taking or intercepting water) as may be required for the purposes of or in connection with the undertaking :

Provided that the Undertakers shall not on any lands so acquired so long as the same are held by them create or permit a nuisance or erect or authorise the erection thereon of any houses or similar buildings except offices and dwellings for persons in their employ and such buildings as may be required for the purposes of or in connection with the undertaking.

(2) The total quantity of land held by the Undertakers at any one time under this section shall not exceed twenty acres in the whole.

Persons
under dis-
ability
may grant
easements
&c.

21. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this order grant to the Undertakers any easement right or privilege (not being an easement right or

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
 Water) Act, 1934.*

privilege of water in which persons other than the grantors have an interest) required for the purposes of this order in over or affecting any such lands as are referred to in the two immediately preceding sections of this order and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges respectively.

A.D. 1934.

*Herriard
 and District
 Water Order.*

22. The Undertakers may purchase and take on lease dwelling-houses for persons employed by them for the purposes of the undertaking and may on any land for the time being belonging to or leased by them erect fit up maintain and let houses cottages and buildings for and to such persons and (subject to the terms of the lease) upon any lands leased to the Undertakers for the purposes of the undertaking.

Power to erect &c. dwellings for persons in Undertakers' employ.

PART V.

WORKS.

23.—(1) The Undertakers may in upon or under the lands where the same are situate maintain and continue the following existing waterworks in the rural district of Alton in the county of Southampton and may from time to time alter enlarge extend repair renew and improve the same together with all mains pipes machinery buildings works and apparatus of whatsoever character as may be necessary or convenient in connection therewith or subsidiary thereto (that is to say) :—

Power to maintain waterworks.

Work No. 1 A well with heading and pumping station in the parish of Lasham situate in the south-eastern corner of the enclosure numbered in the said parish 157 on the 1/2500 Ordnance map (edition 1910) Hampshire sheet No. XXXV.2.

Work No. 2 Two reservoirs in the said parish of Lasham situate near the easternmost extremity of the enclosure numbered in the said parish 136 on the said last-mentioned Ordnance map sheet No. XXVII.14.

and the Undertakers may maintain continue alter enlarge renew and improve any mains or pipes already laid down in connection with the before-mentioned works or either of them and every appliance whatsoever existing at the commencement of this order for conveying water from the said works and distributing the same throughout the area supplied at the commencement of this order.

(2) The powers conferred by this section shall be exercised by the Undertakers only so long and so far as they are possessed of interests rights or easements in the lands (other than the

[Ch. lxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934. highways) in upon or under which the works mains pipes machinery
appliances or apparatus are or are to be placed entitling them so
to do.

—
*Herriard
and District
Water Order.*

(3) Any electrical apparatus maintained under this section shall be so maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Power to
take waters.

24. Subject to the provisions of this order the Undertakers may pump collect impound take use divert and appropriate for the purposes of the undertaking all such underground springs streams or waters as may be intercepted by the works by this order authorised to be maintained and used.

Limiting
powers of
Undertakers
to abstract
water.

25. The Undertakers shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other order or an Act of Parliament Provided that the deepening of any wells or boreholes and the extension of any headings or adits which wells boreholes headings or adits are for the time being respectively authorised as aforesaid shall be deemed to be authorised by the order or Act of Parliament authorising such wells boreholes headings or adits.

Discharge of
water into
streams.

26.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any of the works of the Undertakers as from time to time existing the Undertakers may subject to the provisions of the Thames Conservancy Act 1932 cause the water in such works to be discharged into any available stream or watercourse and for that purpose the Undertakers may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this order shall with the necessary modifications apply thereto :

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter or other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Undertakers shall do as little damage as may be and shall make compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
 Water) Act, 1934.*

(3) The powers of this section shall not be exercised so as to damage or affect the railways or works of the Southern Railway Company.

A.D. 1934.

—
*Herriard
 and District
 Water Order.*

27. The Undertakers may on all or any of the lands for the time being held by them in connection with the undertaking execute for the purposes thereof or in connection therewith any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 :

Exercise of
 powers of
 section 12
 of Water-
 works
 Clauses Act
 1847.

Provided that the Undertakers shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

28. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes (which with all necessary modifications shall apply to the exercise of the powers conferred by this section) the Undertakers may for the purpose of effecting telegraphic or telephonic communication between to or from the Undertakers' works or offices construct lay down erect maintain alter repair and renew mains tubes telegraph or telephone posts electric and other wires and apparatus in on under or over the soil of any street road highway or footpath within the limits of supply :

Telephonic
 wires and
 apparatus
 in streets.

Provided that any mains tubes telegraph or telephone posts electric or other wires or apparatus constructed laid down erected or maintained under the provisions of this section shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line :

Provided that the Undertakers shall not exercise the powers of this section in respect of any street or road belonging to the Southern Railway Company except with the consent in writing of that company which consent shall not be unreasonably withheld.

29. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways

Detection
 of waste.

[Ch. lxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

—
*Herriard
and District
Water Order.*

courts passages tramways gas or water pipes electric and other
lines wires and apparatus :

Provided that—

- (i) The Undertakers shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 or with any works or apparatus of the Central Electricity Board except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882;
- (ii) The Undertakers shall not exercise the powers of this section in respect of any street road footway pipe wire or apparatus belonging to the Southern Railway Company except with the consent of that Company but such consent shall not be unreasonably withheld.

Power to
lay pipes
in private
streets.

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

Provided that the Undertakers shall not exercise the powers of this section in respect of any street for the time being belonging to and forming the approach to any station or depot of the Southern Railway Company except with the consent of that company but such consent shall not be unreasonably withheld nor shall the Undertakers in carrying out any works authorised by this section unreasonably obstruct or interfere with the access to any such street.

Differences
with road
authority
or railway
or other
company.

31. If any difference shall arise between the Undertakers and any road authority railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or as to the facilities to be afforded for the same or as to any other matter referred to in this order the difference shall unless otherwise provided by this order be settled by an engineer to be appointed by the Minister at the request of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration.

PART VI.

WATER SUPPLY.

Limits of
pressure.

32. The water supplied by the Undertakers shall be laid on constantly under pressure but need not at any time be delivered at a greater height than can be reached by gravitation from the

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

service reservoir or tank from which the supply is taken and it shall be in the discretion of the Undertakers in every case to determine the particular service reservoir or tank from which the supply is to be taken.

33. The Undertakers may require that any dwelling-house erected after the commencement of this order situate on land at a higher level than sixty feet below the top water level of the service reservoir or tank from which a supply of water is furnished or to be 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 required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

A.D. 1934.

—
*Herriard
and District
Water Order.*

Cisterns to
be provided
for high-level
supplies.

34.—(1) As from the first quarter day after the commencement of this order the Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under this order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at such rates as the Undertakers may from time to time determine not exceeding twenty per centum of the net annual value of the premises so supplied and so in proportion for any shorter period than a year :

Rates for
domestic
supply.

Provided that the Undertakers shall not be required to afford a supply of water for domestic purposes to any premises at a less rate than sixpence per week.

(2) The net annual value of any such premises shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or by any alterations in or additions to such rates last made during such period :

Provided that where the water rate is chargeable on the net annual value of a part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing charges the Undertakers may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises supplied with water a sum not exceeding ten shillings per annum and in respect of every fixed bath beyond the first (for which no additional charge shall be made) capable of containing not more than fifty gallons and in respect of every bath beyond the first (for which no additional charge shall be made) having an emptying

[Ch. Ixviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

—
*Herriard
and District
Water Order.*

aperture and capable of containing more than twenty gallons but not more than seventy-five gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than seventy-five gallons and for every outdoor bath bathing pool or pond such sum as the Undertakers may think fit.

(4) Any sums charged under subsection (3) of this section shall be recoverable at the like dates and in the same manner as other water rates leviable by the Undertakers under this section can be recovered.

Supply by
meter.

35.—(1) The Undertakers may supply water for other than domestic purposes on such terms and conditions as the Undertakers think fit and may supply water by meter 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 are recoverable by the Undertakers :

Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

(2) The price to be charged for a supply of water by meter shall not exceed three shillings a thousand gallons Provided that the Undertakers shall not be required to afford any supply of water by meter for a less sum (exclusive of meter rent) than fifteen shillings per quarter.

Supply to
certain
premises.

36.—(1) The Undertakers shall not be bound to supply with water otherwise than by meter—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any mental or other hospital (whether public or private) sanatorium school club hotel assembly hall restaurant public-house or inn; or
- (c) any boarding-house or public institution capable of accommodating at least twelve or more persons including the persons usually resident therein; or
- (d) any other institution which is habitually occupied by at least twelve persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the net annual value thereof.

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

(3) The minimum quarterly charge for a supply of water by meter to any of the premises in this section mentioned (exclusive of meter rent) shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

A.D. 1934.

—
*Herriard
and District
Water Order.*

37.—(1) Where a person who takes a supply of water for domestic purposes from the Undertakers 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 Undertakers may if a hosepipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor-cars than one are kept) a further sum not exceeding ten shillings per annum for each motor-car beyond the first.

Charges for
horses and
washing
vehicles.

(2) Any sums chargeable under this section shall be in addition to the rates authorised by this order 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 hosepipe 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 any such hosepipe 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.

38. Where a person who takes a supply of water for domestic purposes from the Undertakers otherwise than by meter desires to use 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 any of the water so supplied the Undertakers may if they think fit require that all water so used shall—

Charges for
supplies for
refrigerating
apparatus
&c.

- (a) be taken by meter and paid for at the prescribed rates for a supply by meter 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 Undertakers :

[Ch. lxxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

—
*Herriard
and District
Water Order.*

Provided that this section shall not apply to and no additional charge shall be made for any water supplied for or in connection with any apparatus used for softening water if one such apparatus only is used and the water softened thereby is drawn off at one point only and is used solely for purposes for which the domestic rate is paid.

Revision of
water rates
and charges.

39. If it appears to the Minister on the application of the council of any county borough urban or rural district having jurisdiction within the limits of supply of the Undertakers that the divisible profits of the Undertakers for the preceding year have exceeded the amount required for the payment of dividends upon the share capital of the undertaking at the maximum rates authorised in the case of the undertaking and that the reserve fund and contingency fund together amount to the prescribed maximum sum the Minister may by order make such reduction in the rates and charges which the Undertakers are authorised to levy as he considers reasonable :

Provided that the rates and charges as so reduced shall be sufficient to enable the Undertakers (after paying all proper expenses of and in connection with the working management and maintenance of the undertaking and making good depreciation and providing for any contributions which the Undertakers may carry to any reserve fund or contingency fund formed under the provisions of this order and paying all other costs charges and expenses (if any) properly chargeable to revenue) to continue to pay dividends upon the share capital of the undertaking at the maximum rates authorised.

The Minister may amend any order made in pursuance of this section after the expiration of five years from the date of such order upon the application of the Undertakers or of any such council as aforesaid.

Rates
payable
half-yearly.

40.—(1) Notwithstanding anything in the Waterworks Clauses Act 1847 or in this order the rates rents and charges leviable by the Undertakers shall if the Undertakers so determine be paid half-yearly one quarter in arrear and one quarter in advance at Christmas Day and Midsummer Day or at Lady Day and Michaelmas Day.

(2) Every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Undertakers

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

Notice of the effect of this subsection shall be endorsed on every demand note for any such rate or charge. A.D. 1934.

(3) Every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

41.—(1) Where the net annual value of a house supplied with water does not exceed fifteen pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply of water but the rate may be recovered by the Undertakers from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or agreement be deducted by the occupier from the rent from time to time due from him to the owner :

Rates payable by owners of small houses.

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.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under this section by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the commencement of this order.

42. Where 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 Undertakers in respect of any supply of water for domestic purposes furnished by the Undertakers to any one or more of such 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 so occupied.

As to net annual value of two or more houses in one occupation.

43.—(1) Notwithstanding anything in this order or any Act relating to the Undertakers 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

Special terms for supplies to caravans &c.

[Ch. lxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

*Herriard
and District
Water Order.*

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.

(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 any Act or order relating to the Undertakers the Undertakers shall not (unless required so to do by the Minister) supply water to any caravan shack hut tent or other like structure if the council of the district in which the site of the caravan shack hut tent or other like structure is situate objects to the supply being given.

Contracts for
supplying
water in
bulk.

44.—(1) The Undertakers may enter into and carry into effect agreements with any local authority water board company or person for the supply of water beyond the limits of supply to any such authority board company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Provided that such supply shall not be given except with the consent of any authority water board company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply :

Provided further that the Undertakers shall not without the previous consent in writing of the Conservators of the River Thames supply water in bulk outside or for consumption or use outside the area included within the limits shewn on the deposited map as such map is defined by section 119 of the Thames Conservancy Act 1932 except to the rural district council of Alton for consumption or use within the district as from time to time constituted of that council up to but not exceeding the quantity of twenty thousand gallons per day.

(2) Nothing in this section shall authorise the Undertakers to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

Purchase
of water
in bulk.

45. The Undertakers may enter into and carry into effect agreements made with any authority water board company body or person supplying water under parliamentary authority

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
 Water) Act, 1934.*

or subject to the consent of the Minister in the case of any water intended for domestic consumption with any other authority company body or person for the purchase of water in bulk by the Undertakers for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Undertakers for the purpose of the undertaking.

A.D. 1934.

—
*Herriard
 and District
 Water Order.*

46. Section 35 of the Waterworks Clauses Act 1847 in its application to the Undertakers shall be read and construed as if the words "one-eighth part" were substituted therein for the words "one-tenth part."

Application
 of section 35
 of Water-
 works Clauses
 Act 1847.

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

Guarantees
 &c. by
 district
 councils.

(2) Nothing in this section shall be deemed to authorise any such district council to use any water supplied by the Undertakers under any such guarantee or contract as aforesaid in any part of their district which is beyond the limits of supply and within the limits for the supply of water of any other company or person supplying water under parliamentary authority without the consent of such other company or person.

48. Any requisition which may be made under section 35 of the Waterworks Clauses Act 1847 as amended by this order by owners or occupiers of houses requiring a supply of water may be made by the local authority of the district in which such houses are situate 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 as amended in its application to the Undertakers by such owners or occupiers.

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

49.—(1) The Undertakers may make byelaws for the purpose of preventing waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water

Byelaws for
 preventing
 waste of
 water.

[Ch. lxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934. fittings which may allow or tend to waste undue consumption
misuse erroneous measurement or contamination of water.

—
*Herriard
and District
Water Order.*

(2) Such byelaws shall apply only in the case of premises to which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) All such byelaws shall be subject to the provisions contained in subsections (2) (3) (4) (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 purposes 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 of the local authority. The confirming authority for the purposes of the said section 250 shall be the Minister.

(4) In so far as any byelaws made by the Undertakers prescribe the size nature materials workmanship and strength of water fittings the same shall not apply to any water fittings used on the premises of the Southern Railway Company (other than premises to which the Undertakers are bound under the Waterworks Clauses Act 1847 to afford a constant supply) so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Undertakers.

(5) In case of the failure of any person to observe such byelaws as are for the time being in force the Undertakers may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirement of such byelaws and the reasonable expenses of every such repair replacement or alteration shall be recoverable by the Undertakers from the person in default as the water rates in respect of the premises are recoverable by the Undertakers.

Extension of
powers for
preventing
waste &c.
of water.

50.—(1) In addition to the powers conferred by the section of this order of which the marginal note is "Byelaws for preventing waste of water" 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 to be made for such testing and stamping.

(2) All such byelaws shall be subject to the provisions contained in subsections (2) (3) (4) (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 purposes 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 of the local authority. The confirming authority for the purposes of the said section 250 shall be the Minister.

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

(3) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any pipes or fittings used on any premises which form part of the railway of a railway company so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Undertakers.

A.D. 1934.
—
*Herriard
and District
Water Order.*

(4) 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.

51. The Undertakers may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to
sell meters.

52.—(1) The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets and other fittings as are required or permitted by their byelaws or regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such work shall be paid by the person requiring the same.

Power to
supply
fittings.

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

53.—(1) The Undertakers shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit by a notice in writing require the owner of any house to lay a separate pipe from the main pipe into each house supplied by them with water.

Separate
communica-
tion pipes
may be
required.

(2) If the owner of any house supplied with water by the Undertakers when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Undertakers may themselves do the work necessary in that behalf and may recover from such owner the reasonable cost incurred by them in so doing summarily as a civil debt.

[Ch. lxxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

—
*Herriard
and District
Water Order.*

Notice of dis-
continuance.

Notice to
Undertakers
of connecting
or discon-
necting
meters & c.

Register of
meter to be
prima facie
evidence.

As to com-
munication
pipes.

54. A notice to the Undertakers from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Undertakers or be given by the consumer personally at the office of the Undertakers.

55. Before any person connects or disconnects any meter or other instrument by means of which any of the water of the Undertakers is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Undertakers of his intention to do so and all alterations or repairs to and the connecting and disconnecting of meters or other instruments shall be done at his cost and under the due superintendence of any officer of or person authorised by the Undertakers and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

56.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Undertakers :

Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as water rates are recoverable by the Undertakers.

57.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 or under any other Act relating to the Undertakers to maintain any pipe or apparatus used for the supply of water from the works of the Undertakers the person liable to maintain the same shall have the like powers of opening the ground as are conferred upon persons by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

laying of communication pipes subject nevertheless to the conditions imposed by those sections.

(2) The Undertakers by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the limits of supply may subject to the like conditions execute such works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable expenses incurred by the Undertakers shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

58. Notwithstanding anything contained in any Act relating to the Undertakers the Undertakers shall have the exclusive right of executing any works on any of their water mains for connecting any communication or service pipes therewith and the Undertakers shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Undertakers execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any reasonable expenses incurred by the Undertakers in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

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

60. If in the opinion of the Undertakers any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Undertakers are not under any obligation to maintain it shall be lawful for the Undertakers subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the reasonable expenses incurred by the Undertakers for the purpose of ascertaining

A.D. 1934.

*Herriard
and District
Water Order.*

Undertakers
to connect
communica-
tion pipes
with mains.

Maintenance
of common
pipe.

Power to
Undertakers
to repair
communica-
tion pipes.

[Ch. lxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

—
*Herriard
and District
Water Order.*

the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Undertakers from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as water rates are recoverable by the Undertakers :

Provided that except in case of emergency the Undertakers shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and (in any case where the communication pipe is repairable by the owner of such house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Stop-cocks
&c. to be
fitted in com-
munication
pipes.

61.—(1) In the case of all buildings the erection of which is commenced after the commencement of this order connected with the mains of the Undertakers the Undertakers may in cases where the communication pipes are laid by the person requiring the supply or by the Undertakers at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position as near as is reasonably possible to the point at which such pipe passes the boundary of the street or to the point at which such pipe enters any premises in or under the street whichever of those points is nearer to the main of the Undertakers from which the supply is given to the said premises and if such person fails to comply with such requirement the Undertakers may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises within the limits of supply the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Undertakers may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street within the limits of supply execute such works on behalf of such person and any

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

expenses reasonably incurred by the Undertakers in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

A.D. 1934.

—
*Herriard
and District
Water Order.*
Injuring
meters &c.

62.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe or meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers) be liable to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover from the person so offending the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Undertakers by the person so offending and may be recovered by them as water rates are recoverable by them.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

63. Every person who—

- (a) without the consent of the Undertakers shall wilfully;
- or
- (b) shall negligently

close or shut off or interfere with any valve cock or other work or apparatus belonging to the Undertakers whereby the supply of water shall be interfered with shall (without prejudice to any

Penalty for
closing
valves and
apparatus.

[Ch. lxxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

—
*Herriard
and District
Water Order.*

other right or remedy of the Undertakers) be liable on conviction to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover from that person the amount of any damage by them sustained :

Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Extension of
section 60 of
Waterworks
Clauses Act
1847.

64. 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.

65. 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 seven and nine in the morning and also between the hour of four 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 under the said section 57 or under this section or from making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds :

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Entry of
premises
to remove
fittings and
meters.

66. The Undertakers by their agents or workmen after forty-eight hours' notice in writing under the hand of the agent or other officer of the Undertakers to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any water 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 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.

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

67. For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Undertakers and the company apply and have effect with respect to the exercise by the Undertakers of the powers conferred upon them by this order (that is to say) :—

A.D. 1934.

*Herriard
and District
Water Order.*

For protec-
tion of
Southern
Railway
Company.

- (1) In laying down and altering any mains pipes or other works over across or under the railways bridges roads and works of the company (in this section together referred to as "the railways of the company") the Undertakers shall execute such works (in this section referred to as "the authorised works") in accordance with plans and sections previously submitted to and reasonably approved in writing by the chief engineer of the company (in this section referred to as "the engineer") or in the event of disapproval then in such manner as shall be determined by arbitration in manner in this section provided. Such works and the renewal removal or (except in case of emergency) repair of any mains pipes or other works shall be executed after reasonable notice in writing to the company with all reasonable dispatch and under the superintendence (if given) and to the reasonable satisfaction of the engineer. Provided that if the engineer does not express his approval or disapproval of the said plans and sections within twenty-eight days after the same shall have been submitted to him he shall be deemed to have approved thereof and if the engineer shall refuse or neglect to superintend any operations the undertakers may execute the work without his superintendence :
- (2) The Undertakers shall restore and make good to the reasonable satisfaction of the engineer the roads over any bridges level crossings and approaches (including in the case of a level crossing the railway thereon) which the company are liable to maintain so far as the same may be disturbed or interfered with by or in connection with the authorised works :
- (3) If the company so elect they may themselves in the case of any level crossing execute the authorised works (other than the actual laying down and maintenance of mains or pipes) and may recover the costs reasonably incurred in so doing from the Undertakers :
- (4) The Undertakers shall bear and on demand pay to the company the reasonable expenses incurred by the company of watching lighting and protecting the railways of the company during the carrying out of the authorised works so far as such expenses may be agreed

[Ch. lxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

*Herriard
and District
Water Order.*

or determined by arbitration in manner in this section provided to have been necessary :

- (5) The authorised works shall be so constructed executed repaired altered and removed as so far as may be reasonably practicable not to cause any injury or damage to the railways of the company and so as not to cause any interruption to the passage or conduct of traffic and if any such injury damage or interruption shall arise from such construction execution repair alteration or removal they shall make compensation to the company therefor :
- (6) The Undertakers shall from time to time pay to the company any additional expenses which the company may reasonably and properly incur in effecting any repair or renewal of their railway or in effecting in the exercise of any powers vested in them at the commencement of this order any widening alteration or extension of their railway by reason of the existence of any of the authorised works of the Undertakers in over upon across or under the railways of the company :
- (7) Any difference which may arise between the Undertakers and the company under the provisions of this section shall be settled in manner provided by section 31 (Differences with road authority or railway or other company) of this order.

For protec-
tion of
South-
ampton
County
Council.

68. For the protection of the County Council of the administrative county of Southampton (in this section referred to as "the county council") the following provisions shall unless otherwise agreed between the Undertakers and the county council have effect (that is to say) :—

- (1) The provisions of this section shall be in addition to and not in substitution for the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes except so far as such last mentioned provisions are expressly varied by or are inconsistent with the provisions of this section :
- (2) All mains pipes and works of the Undertakers to be laid after the commencement of this order (not being enlargements or replacements of existing mains pipes and works) in or along any county road or in upon or across any county bridge or any bridge carrying a county road or the roadway over any such bridge or the approaches thereto shall be laid in such position in or at the side thereof and at such depth as the county council in writing under the hand of their surveyor (in

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

this section called "the county surveyor") may reasonably direct : A.D. 1934.

(3) The notice required by section 30 of the Waterworks Clauses Act 1847 shall (except for laying connecting or repairing consumers' service pipes as to which three clear days' notice shall be given and except for executing works in the event of accidental leakage or burst or other emergency as to which no notice shall be required) be not less than in the case of any such bridge or approaches fourteen clear days instead of three clear days and in all other cases seven clear days instead of three clear days :

*Herriard
and District
Water Order.*

(4) The plan required by section 31 of the last mentioned Act shall clearly define the depth below the surface and the position in the roadway of a county road or at the side thereof or in or upon the structure of any county bridge or any bridge carrying a county road or the roadway over any such bridge or the approaches thereto at which all mains pipes and works of the Undertakers are proposed to be constructed or laid and shall in the case of any such bridge or the roadway thereover or the approaches thereto be accompanied by a section of the proposed works and shall (except as aforesaid) be delivered to the county surveyor by the Undertakers not less than in the case of any such bridge or approaches fourteen clear days and in all other cases seven clear days before the Undertakers commence to open or break up any county road or interfere with any such bridge or the roadway over the same or the approaches thereto for the purpose of executing the said works. If the county surveyor shall not within fourteen clear days or seven clear days (as the case may be) after the plan or the plan and section shall have been delivered to him express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :

(5) If the county council shall give written notice to the Undertakers of such their desire before the Undertakers commence to lay down any main or pipe in the roadway of any county road for the time being classified by the Minister of Transport as a road of class I or class II (including the roadway over any such bridge or approach) the Undertakers shall under the supervision and to the reasonable satisfaction of the county council fill in any trench or excavation made by them in connection with such work to the height of eight inches above the top of such main or pipe and the county

[Ch. lxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

—
*Herriard
and District
Water Order.*

council shall with all reasonable expedition fill in the remainder of the trench or excavation and reinstate and make good the surface of the portion of the roadway broken up by the Undertakers and as from the date when such filling in reinstatement and making good shall commence cause the said road to be fenced guarded and lighted in accordance with section 32 of the Waterworks Clauses Act 1847 and upon the completion of such filling in reinstatement and making good by the county council the Undertakers shall repay to the county council the expense reasonably incurred by them in such filling in reinstatement and making good (including the expense of such fencing guarding and lighting as aforesaid) but the Undertakers shall not be under obligation to pay to the county council any greater sum than the county council need have reasonably incurred in carrying out such filling in by the county council (including such fencing guarding and lighting as aforesaid) and in reinstating and making good the surface of the said portion of the roadway with material of the same substance and character and so far as reasonably practicable with the same material as that with which such portion was made up immediately before the roadway was so broken up When the county council give to the Undertakers any notice under this subsection—

(a) the Undertakers shall be under no liability (notwithstanding anything contained in section 32 of the Waterworks Clauses Act 1847) to fill up the trench or excavation beyond the height of eight inches above the top of the main or pipe or to maintain for any period the portion of the roadway so broken up by them and the county council shall indemnify the Undertakers against all claims and liabilities arising out of or in course of such filling in reinstatement and making good by or out of failure so to fence guard and light of the county council or any act or default of the county council in relation thereto; and

(b) the county council shall make good to the Undertakers any damage done to the said mains and pipes in the course of such filling in reinstatement or making good by the county council:

- (6) If the Undertakers in the execution of any works in or affecting any county road or any county bridge or any bridge carrying a county road or the roadway over any such bridge or the approaches thereto shall cause any damage injury or disturbance thereto and shall

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

neglect or refuse to make good all such damage injury or disturbance to the reasonable satisfaction of the county council then it shall be lawful for the county council after seven days' notice to the Undertakers of the alleged neglect or refusal and of the works they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works :

A.D. 1934.

—
*Herriard
and District
Water Order.*

- (7) Except so far as provided by subsection (2) of this section the Undertakers shall not interfere with the structural part of any such bridge without the consent in writing of the county surveyor which consent shall not be unreasonably withheld but may be given upon such conditions (other than a money payment) as the county council or the county surveyor may reasonably determine :
- (8) Nothing in this order contained shall interfere with the right of the county council to alter the level of deviate or improve in any manner they think fit any county road in or along which any mains pipes or works of the Undertakers shall have been laid and the Undertakers shall as and when requested by the county surveyor by not less than fourteen days notice in writing alter the position of any such mains pipes or works at the cost of the county council in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner hereinafter provided :
- (9) Nothing in this order contained shall interfere with the right of the county council at any time or times to remove alter rebuild widen or repair any county bridge or any bridge carrying a county road or the approaches to any such bridge in over or near or attached to which any mains pipes or works of the Undertakers are laid in the same manner as they might have removed altered rebuilt widened or repaired such bridge or approaches if this order had not been made and such mains pipes or works had not been laid in over or near or attached to such bridge and the county council shall not except in the case of their negligence make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such removal alteration rebuilding widening or repairing In the event of any such bridge or approaches in over or near or attached to which any such mains pipes or works are laid

[Ch. lxxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

*Herriard
and District
Water Order.*

being removed altered rebuilt widened or repaired as aforesaid in such manner as to require the removal or alteration of any such mains pipes or works the Undertakers shall at their own cost in all things as soon as reasonably practicable alter the position of any such mains pipes or works and of any works by which the same are carried in over or near or attached to such bridge or approaches as aforesaid and replace the same to the reasonable satisfaction of the county surveyor Provided that during the removal alteration rebuilding widening or repairing of such bridge or approaches the county council shall afford to the Undertakers all reasonable facilities for the temporary carriage of such mains pipes and works so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes and the Undertakers may carry such mains pipes and works accordingly and when the removal alteration rebuilding widening or repairing of such bridge shall have been completed the Undertakers shall have the same rights and powers with respect to such bridge as they had before the works were carried out :

- (10) All works shall be so executed as so far as may be reasonably practicable not to stop or in any way to interfere with the traffic over or along any county road or any county bridge or any bridge carrying a county road or the roadway over any such bridge or the approaches thereto and the Undertakers shall not without the consent of the county council under the hand of the county surveyor open or break up at any one time a greater consecutive length of any such road bridge or approaches than one hundred and fifty yards at any place where two carts only can pass at the same time or than one hundred yards where one cart only can pass at the side of the opening nor shall such openings or breakings up be carried out without leaving where reasonably practicable a clear space of one hundred yards between any two consecutive openings or breakings up unless with the like consent Provided that such consent shall not be unreasonably withheld and if any difference of opinion shall arise between the Undertakers and the county council as to whether any works proposed by the Undertakers will unreasonably interfere with the traffic over or along any county road or any such bridge as aforesaid or the roadway over the same or the approaches thereto or as to the withholding of any such consent as aforesaid such difference shall be determined in manner hereinafter provided :

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

(11) All surplus paving metalling or materials removed during the laying of any mains pipes or works in any county road or in upon or across any county bridge or any bridge carrying a county road or the roadway over any such bridge or the approaches thereto and not required by the Undertakers for the purpose of reinstating and making good the said road bridge or approaches may if the county surveyor notify the Undertakers in writing of his desire so to use the same prior to the completion by the Undertakers of such laying be used by the county council for the purposes of subsection (5) of this section or for the purpose of the maintenance and repair of any county or other road in the county of Southampton and where intended to be used for any such purpose as last aforesaid shall so soon as may be reasonably practicable be removed by and at the expense of the county council :

(12) No stop-cock valve meter cover box or other like apparatus shall be placed in on under or over any such bridge except with the consent in writing of the county council which consent may be given on such terms and conditions as the county council may in their absolute discretion determine Provided that as respects the placing of an air valve and any means of access thereto such consent shall not be unreasonably withheld or be made subject to any unreasonable term or condition :

(13) Where for the purposes of the Undertakers any stop-cock valve meter cover box or other similar apparatus shall be placed in the surface of the carriageway of any county road the Undertakers shall at their own expense if so required by the county council cause the same to be surrounded or protected by sett paving or other adequate form of protection to the reasonable satisfaction of the county council and the Undertakers shall at their own expense at all times maintain such sett paving or other form of protection in good repair and condition and so as not to form an obstruction or to constitute a source of danger to the traffic using such road :

(14) The county council shall not save as hereinafter provided and except in the case of their negligence be liable for or in respect of any damage or injury done to any work of the Undertakers—

(a) by reason of such work being laid at a depth below the surface of any county road or the roadway on any county bridge or on any bridge carrying a county road or of the approaches to any such bridge

A.D. 1934.

—
*Herriard
and District
Water Order.*

[Ch. lxxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934.

—
*Herriard
and District
Water Order.*

insufficient for its protection from injury arising from—

(i) the use of any steam or other roller for the repair of such road roadway or approaches; or

(ii) the passage of the traffic in such road roadway or approaches; or

(b) in repairing any such bridge as aforesaid or the approaches thereto; or

(c) by reason of the non-repair of any such bridge or approaches:

Provided that this subsection shall not as respects the matters referred to in paragraph (a) thereof apply in the case of any work for which the trench or excavation shall have been filled in by the county council under subsection (5) of this section except where the said damage or injury arises from the passage of the traffic in such road roadway or approaches:

- (15) The Undertakers shall pay to the county council the reasonable expenses incurred by the county council in relation to the reasonable superintendence by the county surveyor of any work to be done by the Undertakers under the provisions of this section:
- (16) If any difference at any time arises between the county council and the Undertakers concerning this section or anything to be done or not to be done thereunder such difference shall be settled in manner provided by section 31 (Differences with road authority or railway or other company) of this order:
- (17) In this section the expression "bridge carrying a county road" shall include any culvert carrying any county road and vested in the county council.

PART VII.

SUPPLEMENTAL.

Copy of
confirmation
Act to be
registered.

69.—(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.

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
*Provisional Order Confirmation (Herriard and District
 Water) Act, 1934.*

(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.

A.D. 1934.

—
*Herriard
 and District
 Water Order.*

70.—(1) Any notice to be served by the Undertakers shall be sufficiently authenticated by the signature of the secretary or other officer of the Undertakers for the time being authorised in writing by the directors or by the name of the officer being printed or stamped on the notice.

Authentica-
 tion and ser-
 vice of
 notices by
 Undertakers.

(2) Any such notice may be served either personally or by a prepaid letter sent by post and addressed to the person to be served by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served cannot be found after proper inquiry it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

71. Save as otherwise expressly provided by any Act or order from time to time relating to the undertaking or any incorporated enactment all offences against and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner :

Recovery of
 penalties &c.

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

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

Recovery of
 demands.

73. Penalties imposed under any Act or order from time to time relating to the undertaking for one and the same offence shall not be cumulative.

Penalties not
 cumulative.

74. When the payment of more than one sum by any person is due under this order or any one or more of the Acts or orders from time to time relating to the undertaking any

Several sums
 in one sum-
 mons &c.

[Ch. lxviii.] *Ministry of Health* [24 & 25 GEO. 5.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

A.D. 1934. summons or warrant issued for the purposes of any one or more
of such Acts or orders in respect of that person may contain
in the body thereof or in a schedule thereto all the sums payable
by him.

—
*Herriard
and District
Water Order.*

Arbitration.

75. Where under this order any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the other or others of them) and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

Judges not
disqualified.

76. A judge of any court or a justice shall not be disqualified from acting in the execution of this order or of any Act or order from time to time relating to the undertaking by reason of his being liable to the payment of any water rent meter rent rate or charge thereunder.

Costs of
order.

77. 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 paid wholly or partly out of revenue.

Inquiries
and
expenses.

78. The Minister may hold any inquiry which he may deem necessary for the purposes of this order and section 290 of the Local Government Act 1933 shall apply as if the Undertakers were a local authority.

The SCHEDULE referred to in the foregoing Order.

In the rural district of Basingstoke—

The parishes of Herriard Tunworth Weston Corbett and Bradley.

So much of the parish of Winslade as lies to the east and south of the boundary of Hackwood Park that is to say east of the said boundary between the junction thereof with the public roadway at the north-east corner of the enclosure numbered in the parish of Basing 654 on the 1/2500 Ordnance map (edition 1910) Hampshire sheet XIX.9 and the south-eastern corner of the enclosure numbered in the parish of Winslade 5 on the said map sheet XIX.13 and thence south of the said boundary to the junction of the said boundary and the public roadway at

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxviii.]
*Provisional Order Confirmation (Herriard and District
Water) Act, 1934.*

the south-west corner of the enclosure numbered in the parish of
Winslade 7 on the 1/2500 Ordnance map (edition 1932) Hamp-
shire sheet XVIII.16 and thence east of the public roadway
between the last-mentioned point and a point 400 feet south
thereof.

A.D. 1934.

—
*Herriard
and District
Water Order.*

So much of the parish of Ellisfield as is bounded on the west
by the road known as Winslade Lane between Fryingdown Copse
and Ellisfield Manor on the south-west by the lane from Ellisfield
Manor to the most southerly extremity of the enclosure numbered
in the parish of Ellisfield 227 on the 1/2500 Ordnance map
(edition 1910) Hampshire sheet XXVI.12 and on the north by
the southern boundary of the said enclosure known as Fryingdown
Copse numbered in the said parish 15 on the said Ordnance map
sheet XXVI.4.

In the rural district of Alton—

The parishes of Lasham Bentworth Medstead and Four Marks.

So much of the parish of Shalden as lies to the west of the
road leading from Alton to Odiham between the north-eastern
corner of the enclosure numbered in the parish of Shalden 9
on the 1/2500 Ordnance map (edition 1910) Hampshire
sheet XXVII.11 and the south-eastern corner of the enclosure
numbered in the said parish 116 on the said Ordnance map
sheet XXXV.3.

Printed by EYRE AND SPOTTISWOODE LIMITED

FOR

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

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