

**CHAPTER cxxv.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Dronfield Gas Alresford Water and Borough of Portsmouth Water. A.D. 1913.

[15th August 1913.]

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade and set out in the schedule to this Act be confirmed by Act of Parliament:

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

1. This Act may be cited as the Gas and Water Orders Confirmation (No. 1) Act 1913. Short title.

2. The Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect. Confirmation
of Orders in
schedule.

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SCHEDULE.

LIST OF ORDERS.

DRONFIELD GAS.—Order to amend and extend the powers of the Dronfield Gas Light and Coke Company and for other purposes.

ALRESFORD WATER.—Order authorising the Alresford Water Company Limited to maintain and continue waterworks and to supply water in the parish of New Alresford in the county of Southampton.

BOROUGH OF PORTSMOUTH WATER.—Order empowering the Borough of Portsmouth Waterworks Company to extend their limits of supply and for other purposes.

DRONFIELD GAS.

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Order to amend and extend the powers of the Dronfield Gas Light and Coke Company and for other purposes. *Dronfield.*

Preliminary.

1. This Order may be cited as the Dronfield Gas Order 1913 and the Dronfield Gas Order 1879 (in this Order referred to as "the Order of 1879") and this Order may be jointly cited as the Dronfield Gas Orders 1879 to 1913. Short and collective titles.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.

3. The provisions of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 (except where the same are expressly varied by this Order or are inconsistent with the Order of 1879 or this Order) are hereby incorporated with and form part of this Order. Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section. Incorporation of Acts.

4. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Gas and Water Works Facilities Act 1870 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

Undertakers.

5. The Dronfield Gas Light and Coke Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

6. Sections 11 13 and 14 of the Order of 1879 are hereby repealed and in lieu thereof the following provisions shall be enforced and have effect :— Testing of gas.

(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing-place shall be a testing-place which shall be provided by the Undertakers at their gasworks within three months after the commencement of this Order. Testing-place.

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Dronfield.
Quality of
gas.

(2)—(i) The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce at the testing-place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(ii) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(iii) The Undertakers shall within three months from the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Pressure of
gas.

(3)—(i) All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(ii) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing-place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Undertakers shall afford to the examiner all reasonable facilities for making the test.

Charge for
gas supplied
by means of
prepayment
meters.

7.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

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(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters as the case may be and the cost of collection and other costs incurred by the Undertakers in connection therewith.

(5) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Miscellaneous.

8. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

As to construction and placing of pipes &c. between mains and meters.

(1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either at the first instance or on the occasion of any renewal between the Undertakers' mains and the meter so far as such pipes and fittings are intended to be covered over:

(2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such

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notice on the Undertakers Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with :

- (6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to
lay pipes in
streets not
dedicated to
public use.

9. The Undertakers may but only with the consent in writing of the owner of the soil of such street 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 gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in the Order of 1879 and this Order.

Power to
supply gas
fittings &c.

10.—(A) Subject to the provisions of this section the Undertakers may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(B) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Gas engines
&c. of Under-
takers let on
hire though

11.—(1) All gas engines apparatus meters fittings and appliances let by the Undertakers on hire shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate

or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers Provided that such gas engines apparatus meters fittings and appliances have upon them respectively 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.

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fixed to
premises to
remain
property of
Undertakers.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any gas engines apparatus meters fittings and appliances are or shall be fixed.

12. The Undertakers may enter into and carry into effect contracts with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Undertakers
may contract
with local
authority
and others
for supply
in bulk.

13.—(1) At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer either personally at the office of the Undertakers or in writing before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur.

Gas con-
sumers to
give notice to
Undertakers
before re-
moving.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas charges payable to the Undertakers.

14. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas 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.

Notice of dis-
continuance.

15. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by the Undertakers without paying to them all gas charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Power to
refuse supply
to persons in
debt for other
premises.

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Dronfield.
Period of
error in
defective
meters.

16. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act 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 shall be recoverable in the like manner as gas charges are recoverable by the Undertakers.

No penalty
in case of
unavoidable
cause.

17.—(1) No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by circumstances beyond the control of the Undertakers. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers.

(2) Section 15 of the Order of 1879 is hereby repealed.

Costs of
Order.

18. All the 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.

ALRESFORD WATER.

Alresford.

Order authorising the Alresford Water Company Limited to maintain and continue waterworks and to supply water in the parish of New Alresford in the county of Southampton.

Preliminary.

Short title.

1. This Order may be cited as the Alresford Water Order 1913.

Commence-
ment of
Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorpora-
tion of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are except where the same are expressly varied by this Order hereby incorporated with and form part of this Order. And the said provisions of the last-mentioned Acts shall apply as well to the pipes and works of the

Undertakers laid down or constructed before the commencement of this Order as to any pipes or works which may be laid down or constructed under the authority of this Order.

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Alresford.

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

Interpreta-
tion.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the whole of the parish of New Alresford in the rural district of Alresford in the county of Southampton.

Limits of
Order.

6. If at any time 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 pure and wholesome water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no Undertakers authorised by this Order to supply water therein.

Where
Undertakers
not furnish-
ing sufficient
supply local
authority or
company
may supply.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Undertakers.

7. The Alresford Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

8. The share capital of the Undertakers shall not exceed eight thousand pounds consisting of—

Capital.

- (1) The original share capital already raised by the Undertakers of six thousand pounds consisting of three thousand five hundred pounds five per centum preference shares and two thousand five hundred pounds ordinary shares (in this Order referred to as "the original capital"); and

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- (2) Additional capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding two thousand pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order;

unless the Undertakers are hereafter authorised to raise for the purposes of the undertaking further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Application
of money.

- 9.—(1) All money raised under this Order including premiums shall be applied only to purposes to which capital is properly applicable.

(2) Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium shall not be considered as part of the capital of the Undertakers entitled to dividend.

(3) All such sums shall be deemed to be part of the paid-up capital of the Undertakers for the purpose of determining the amount which the Undertakers may borrow under this Order and part of the nominal capital for the purpose of determining the amount which the Undertakers may accumulate for the formation of a reserve fund.

Limits of
dividend on
capital.

10. The Undertakers shall not in any year declare or make out of their profits any larger dividends than the following:—

- (A) Five pounds in respect of every one hundred pounds actually paid up of two thousand five hundred pounds of the original capital issued as ordinary capital;
- (B) Five pounds in respect of every one hundred pounds actually paid up of three thousand five hundred pounds of the original capital issued as preference capital;
- (C) Seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital;
- (D) Five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference 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 yearly rates.

Dividends
on different
classes of ordi-
nary shares or
stock to be
paid propor-
tionately.

11. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenue of the Undertakers applicable to dividend is insufficient to pay the full amount of the dividend at the prescribed rates on each class of ordinary shares or stock

in the original capital and additional capital of the Undertakers a proportionate reduction shall be made in the dividend of each class.

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12. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order shall not at any time exceed in the whole one third of the amount of the paid-up capital of the Undertakers at the time actually raised by the issue of shares or stock and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of
borrowing
powers.

13.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

New capital
to be sold
by auction
or tender.

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

(A) Notice of the intended sale shall be given in writing to the clerk to the rural district council of Alresford and to the Secretary of the London Stock Exchange at least twenty-eight 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 limits of supply:

(B) A reserve price shall be fixed and notice thereof shall be sent by the directors of the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

(C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

(D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

(E) 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 of the acceptance of the tender as the case may be.

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(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of the ordinary and preference shares or stock of the Undertakers in such manner as may be prescribed by a resolution passed by the directors 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 of the Undertakers may think fit or to one or more of these classes of persons only Provided that in case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with the provisions of subsection (2) or of subsections (2) and (3) of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

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

Lands.

Power to
use and
acquire
lands and
easements.

14. The Undertakers may by agreement purchase take on lease acquire and use any lands and any easements rights or privileges (not being easements rights or privileges of water in which persons other than the grantors have an interest) in over or affecting any lands which they may require for the purposes of their undertaking Provided always that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time purchase for such purposes more than five acres of land in addition to the lands mentioned in the schedule to this Order annexed.

Persons
under
disability
may grant
easements
&c.

15. 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 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 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 as aforesaid respectively.

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Alresford.

16. The Undertakers 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 the officers and servants employed by the Undertakers for the purposes of their undertaking.

Power to
erect cot-
tages &c. for
officers and
servants.

Works.

17. The Undertakers may in upon or under the lands in upon or under which the same are now respectively situate so long as they are possessed of the said lands or so long as they may be entitled to do so under any agreement maintain continue alter enlarge renew and improve their existing waterworks hereinafter described The existing waterworks hereinbefore referred to are situate in the county of Southampton and are—

Power to
maintain
waterworks
and to supply
water.

Work No. 1 A well and pumping station as now existing situate in the parish of New Alresford in the inclosure belonging or reputed to belong to the Undertakers numbered 35 in the said parish on the $\frac{25}{100}$ Ordnance map of the county of Southampton 1909 edition sheet No. XLII. 5:

Work No. 2 A tank or reservoir as now existing situate in the said parish in the said inclosure No. 35 on the said Ordnance map at a point at the south-east corner thereof:

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 any of them and any other works authorised by this Order.

18. In addition to the foregoing works the Undertakers may upon the lands described in the schedule to this Order annexed upon which they are authorised by this Order to continue and maintain such works so long as they are possessed of the said lands or so long as they may be entitled to do so under any agreement make and maintain all such new and additional cuts channels catch-waters tunnels adits pipes conduits culverts drains sluices bye-washes shafts wells bores water-towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches engines machinery and appliances and buildings as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them and (subject to the consent of any road authority and person affected) telegraphs and telephones necessary or convenient in connection with the before-mentioned works or any of them Provided that no telegraphs or telephones constructed and maintained under the provisions of this

Subsidiary
works and
taking of
water.

A.D. 1913. Order shall be used for the transmission of telegrams within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.
Alresford.

Subject to the provisions of this Order the Undertakers may collect impound take use divert and appropriate for the purposes of their water undertaking all such springs streams or waters as may be intercepted by the works by this Order authorised to be constructed continued and maintained and may supply and sell water for domestic and other purposes within the limits of supply.

Limiting
powers of
Undertakers
to abstract
water.

19.—(1) 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 Act of Parliament.

(2) The Undertakers shall not in any period of twenty-four hours abstract by means of their pumping station and works a total quantity of water in excess of one hundred and fifty thousand gallons except when it shall be necessary to pump a larger quantity for the purposes of enlarging deepening or repairing the said Work No. 1 including any works connected therewith.

(3) The Undertakers shall forthwith after the commencement of this Order provide and shall at all times thereafter maintain in an efficient state of repair suitable appliances for automatically measuring or otherwise ascertaining and recording the quantity of water abstracted by them in each day of twenty-four hours and shall keep daily records of the quantity of water pumped.

(4) Such appliances and records shall at all reasonable hours of the daytime be open to the inspection of—

- (a) the owner and occupier of any land abutting on the Rivers Alre or Itchen or any tributaries of those rivers and situate within a distance of one mile from the said pumping station;
- (b) the owner and occupier of any well situate within such distance; and
- (c) any person duly authorised in writing by any such owner or occupier as aforesaid:

Provided that twenty-four hours' notice in writing of any intended inspection shall be given to the Undertakers at their principal office Such notice shall state the name of the person (if any) appointed to make the inspection who shall if required by the Undertakers produce his authority The Undertakers shall also deposit the records to be so kept by them with the clerk to the Rural District Council of

Alresford and any such owner or occupier or any person authorised as aforesaid shall at all reasonable times be entitled to inspect such records and take copies thereof free of charge.

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Alresford.

(5)—(a) In case of any neglect on the part of the Undertakers to provide such appliances in accordance with the provisions of this section or to keep the same in a proper state of repair and condition the Undertakers shall within twenty-one days after written notice given to them in that behalf provide such appliances or put them into a proper state of repair and condition and in default of so doing the Undertakers shall be liable to a penalty not exceeding five pounds for every day after such period of twenty-one days until they have either provided such appliances or put the same into a proper state of repair and condition; and

(b) In case it shall appear that the Undertakers have failed to keep the necessary records or have abstracted water in excess of the amount prescribed by this section they shall for every day on which they shall have failed to keep such records or on which they shall have exceeded such prescribed amount be liable to a penalty of fifty pounds but without prejudice to any other right or remedy:

Provided always that if the failure to keep such records is due to such appliances not having been provided or not being in a proper state of repair and condition the Undertakers shall not be liable to the penalty of fifty pounds payable under this paragraph in respect of such failure if and so long as they are liable to the penalty of five pounds payable under paragraph (a) of this subsection.

20. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stop-cocks 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 stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Undertakers shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Detection of
waste.

21. The Undertakers may but only with the consent in writing of the owner of the soil of such street on the application of the owner or occupier of any premises within the limits of supply abutting on

Power to lay
pipes in
streets not
dedicated to
public use.

A.D. 1913. or being erected in any street laid out but not dedicated to public
— use supply those premises with water and for that purpose the
Alresford. Waterworks Clauses Acts 1847 and 1863 shall apply as if the street
were a street within the meaning of those Acts.

For protec-
tion of South-
ampton
County
Council.

22. In executing the works and exercising the powers by this Order authorised so far as they affect main roads and county or main road bridges in the county of Southampton the following provisions for the protection of the county council of the administrative county of Southampton (in this section called "the county council") shall unless otherwise agreed have effect (that is to say):—

- (1) All pipes and other works to be laid in or along any main road or in upon or across any county or main road bridge (which word shall in this section include bridge approaches) shall be laid in such position and if under the metalled portion thereof at such depth as the county council in writing under the hand of their clerk may reasonably require or as in case of difference may be determined by arbitration as in this section provided :
- (2) In the application of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 30 of that Act shall be not less than seven days instead of three days :
- (3) Except in case of emergency and except when the works consist of service pipes the plan required by section 31 of the said Act shall be accompanied by a description of the proposed works in the case of any main road and by a section in the case of any county or main road bridge and shall be delivered to the county council or their surveyor by the Undertakers not less than fourteen days before they commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works and any difference as to any such plan description or section or as to the temporary or other works referred to in the said section 31 shall be determined by arbitration under this section instead of in the manner prescribed by the said section 31 :
- (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the county council which consent shall not be unreasonably withheld and may be given upon [such conditions as the county council may reasonably determine :

- (5) Any alteration repair or improvement of any main road or any county or main road bridge or any alteration of or in the position of the same may be made as if this Order had not passed and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Order authorised to be made or placed in over or through any of the roads or bridges aforesaid or necessitates any support either temporary or permanent to any such works the Undertakers shall after fourteen days' notice in writing by the clerk to the county council forthwith make such alteration or afford such support and all expense incurred by the Undertakers in pursuance of this subsection shall in the case of the alteration repair or improvement of a county or main road bridge be borne by the Undertakers and in other cases by the county council or by the Undertakers or by both parties jointly as may be agreed between them or as failing agreement shall be determined by arbitration as in this section provided :
- (6) All works of the Undertakers so far as they affect any main roads and county or main road bridges shall be so executed by the Undertakers as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge and the Undertakers shall not open or break up at any one time a greater length than one hundred yards of any road :
- (7) The Undertakers shall pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any main road or of the road over any county bridge in which the pipes of the Undertakers are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said pipes :
- (8) If any difference arise at any time between the county council and the Undertakers touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer as arbitrator to be agreed on between the county council and the Undertakers and failing agreement to be appointed by the President of the Institution of

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Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

For protection of London and South Western Railway Company.

23. For the protection of the London and South Western Railway Company (in this section called "the South Western Company") the following provisions shall unless otherwise agreed between the South Western Company and the Undertakers apply and have effect:—

(A) In laying down repairing or renewing any mains pipes or other works in the exercise of the powers contained in this Order upon across over or under or in any way affecting the railway belonging to the South Western Company or any bridge over or under such railway or any approaches to any such bridge or any level crossing over such railway (hereinafter referred to as "the railway works") the same shall except in case of emergency be done under the superintendence and to the reasonable satisfaction of the chief engineer of the South Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in case of difference as may be determined by arbitration in manner hereinafter provided Provided that if the said engineer shall not signify his approval or disapproval of any plans or proposals so submitted to him within twenty-eight days after the same are delivered to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operations of the Undertakers the Undertakers may execute the work without his superintendence Provided also that where in the opinion of the said engineer there is not sufficient space on any bridge to lay mains or pipes between the road surface and the structure of any such bridge the South Western Company may require such mains or pipes to be carried below the railway or outside or (if reasonably required by them) independently of the structure of any such bridge and shall afford all reasonable facilities for the purpose :

(B) All such works shall be done by and at the expense of the Undertakers who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the South Western Company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers Provided always that should the

South Western Company elect so to do where any mains or pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the reasonable costs charges and expenses of the Undertakers but so nevertheless that any mains or pipes so laid by the South Western Company shall be laid under the superintendence and to the reasonable satisfaction of the Undertakers' engineer:

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- (c) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the railway works and so as to cause no interruption to the passage or conduct of traffic over such railway or at to or from any station thereon:
- (d) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any such mains pipes or works in under over or near to the railway works the Undertakers shall make compensation to the South Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided:
- (E) The Undertakers shall give fourteen days' notice in writing to the South Western Company (except in case of emergency where such notice as is reasonably practicable shall be given) before commencing any works affecting the railway works or within ten yards of the South Western Company's boundary:
- (F) All mains or pipes and other works of the Undertakers upon across over under or in any way affecting the railway works shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers forthwith to put the same in good repair and if the Undertakers for fourteen days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof in which case the matter in dispute shall be decided by arbitration as in this section provided the South Western Company may without any further notice to the Undertakers repair the same and all costs and expenses reasonably and properly incurred by them in or about such repair shall

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be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the railway works by reason of any such main pipe or other work as aforesaid being in want of repair the South Western Company may without such notice as aforesaid execute such repairs as may be immediately necessary forthwith and shall give the earliest possible notice thereof to the Undertakers and any reasonable costs and expenses to which the South Western Company may be put by reason of any such repairs shall be repaid to them by the Undertakers:

- (g) The Undertakers shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting supporting and protecting the railway works with reference to and during such construction and repair but such superintendence by the South Western Company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractors agents or workmen:
- (h) If at any time it is found necessary in order to enable the South Western Company to carry out any alterations renewals repairs or any extensions of their railway or works to alter the position of the said mains pipes or works the Undertakers shall on receiving notice in writing from the South Western Company afford all reasonable facilities for the purpose and the Undertakers shall pay the South Western Company any additional expense the South Western Company may incur in effecting such alterations renewals or extensions of the railway works by reason of the existence or user or maintenance of the mains and pipes of the Undertakers by this Order authorised:
- (i) Any dispute or difference which may arise between the South Western Company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the President of the Institution of Civil Engineers on the application of the South Western Company and the Undertakers or either of them and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

24. If any difference 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 herein referred to the same shall unless otherwise provided by this Order be settled by an engineer to be appointed by the Board of Trade 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.

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Alresford.
Differences
with road
authority or
railway or
other com-
pany.

Supply.

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

Limits of
pressure.

26.--(1) The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say):—

Rates for
domestic
supply.

Where the gross estimated rental of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence;

Where such gross estimated rental exceeds five pounds but does not exceed one hundred pounds a rate per annum not exceeding seven and a half pounds per centum of such gross estimated rental;

Where such gross estimated rental exceeds one hundred pounds a rate per annum not exceeding five pounds per centum of such gross estimated rental;

and so in proportion for any shorter period than a year.

(2) The Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than eight shillings and eightpence in any one year.

(3) The gross estimated rental of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement

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of the quarter in which the rate accrues or if there is no such rate in force by the last rate made for the relief of the poor.

(4) Where the water rate is chargeable on the gross estimated rental of a part only of any hereditament entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

Rates for
waterclosets
and baths.

27.—(1) In addition to the foregoing charges the Undertakers may charge in respect of—

(A) Every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply to which a supply of water is furnished by the Undertakers a sum not exceeding five shillings per annum ;

(B) Every fixed bath, an additional sum not exceeding ten shillings per annum. Provided that, for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of ten shillings increased in proportion to the size of such bath but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water.

(2) Such charges are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Byelaws for
preventing
waste &c. of
water.

28.—(A) 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 thickness and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets 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 fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(B) 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.

(C) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 185 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of

penalties 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.

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(D) A copy of all such byelaws in force for the time being shall be kept at the office of the Undertakers. All persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(E) In case of failure of any person to obey such byelaws as are for the time being in force the Undertakers may if they think fit after forty-eight hours' notice in writing 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 requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Undertakers as the water rates in respect of the premises are recoverable.

29. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Rates payable by owners of small houses.

30. 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 measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates are recoverable. Provided always 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.

Supply by measure.

31. The Undertakers shall not be bound to supply with water otherwise than by measure 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.

Supply to houses partly used for trade &c.

32. The price to be charged for a supply of water by measure shall not exceed two shillings per thousand gallons.

Price of supply by measure.

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Alresford.
Contracts for
supplying
water in
bulk.

33. The Undertakers may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply to any such authority company or persons 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 afforded beyond or for use beyond the district of the Alresford Rural District Council and shall not be given except with the consent of any company or persons 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 also that nothing in this section shall authorise the Undertakers to lay mains beyond the limits of supply.

Power to
sell or let
meters.

34. 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.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Undertakers to let for hire any water fittings to any person supplied by them with water.

Power to
supply
fittings.

35.—(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 waterclosets and other fittings as are required or permitted by their 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.

(2) Any fittings let for hire under the provisions of this section 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. Provided that such fittings have upon them respectively 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.

Undertakers
not bound to
supply several
houses by one
pipe.

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

Notice of dis-
continuance.

37. 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.

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

Notice to
Undertakers
of connecting
or discon-
necting
meters.

39. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ 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 always 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.

Register of
meter to be
primâ facie
evidence.

40. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of such houses had been separately supplied with water from the works of the Undertakers by a distinct pipe Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

When several
houses sup-
plied by one
pipe each to
pay.

41. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any persons on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless the tenant or occupier so taking or using the water be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Supply of
water to
tenements
in a row.

42. 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

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

A.D. 1913.
Alresford.

“ agent of such owner ” were omitted therefrom Provided always that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Penalties.

Injuring
 meters &c.

43. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or 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 fine not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained And 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 any meter 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 and 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 *primâ 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.

Misuser
 where
 supply to
 several
 houses is
 by a pipe
 common
 to all.

44. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

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*Miscellaneous.**Alresford.*

45.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any of the works by this Order authorised to be constructed or maintained the Undertakers may cause the water in such works to be temporarily discharged into any available stream or watercourse Provided that the Undertakers shall not cause to be discharged into any such stream or watercourse any water which is in a turbid condition or contains any silt or deposit.

Temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Undertakers shall do as little damage as may be and shall make compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

46. For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions and provisions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

As to communication pipes.

47. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers in executing such repairs shall be recoverable by the Undertakers from the owner:

Power to Undertakers to repair communication pipes.

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 owner of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

48. If a person requiring a supply of water from the Undertakers has previously quitted premises at which water was supplied to him by the Undertakers without paying to them all water rates and other moneys due from him to the Undertakers they may refuse to furnish to him a supply of water until he pays the same.

Power to refuse supply to persons in debt for other premises.

49. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings

Warrant of distress to include costs.

A.D. 1913. for the recovery of the money to be levied shall be paid by the person
Alresford. liable to pay such money and such costs shall be ascertained by such
justice and shall be included in the warrant of distress for the recovery
of such money.

Several sums in one summons. 50. Any summons or warrant issued for any of the purposes of
this Order may contain in the body thereof or in the schedule thereto
several sums due from the same individual.

Liability to water rate not to disqualify justice from acting. 51. No justice or judge of any county court or quarter sessions
shall be disqualified from acting in the execution of this Order by reason
of his being liable to the payment of any water rate or other charge
under this Order.

Company to sell their undertaking on requisition of rural district council. 52.—(1) If the rural district council of Alresford (in this section
called "the council") shall within one year after the commencement
of this Order by writing under their common seal addressed and sent
to the secretary or delivered at the principal office of the Undertakers
require the Undertakers to sell and shall obtain the consent of the
Local Government Board to such purchase the Undertakers shall there-
upon sell free from incumbrances and the council shall with the consent
of the Local Government Board purchase from the Undertakers all their
undertaking property rights powers and privileges as the same exist
at the time of the delivery of such notice for such price being a sum
in gross and upon such terms and conditions as shall be fixed in
default of agreement by arbitration under the provisions of the Lands
Clauses Acts.

(2) In addition to the sum to be paid by the council to the
Undertakers for their undertaking under this section the council shall
pay to the Undertakers the sum of three hundred pounds towards the
costs of obtaining this Order and of its confirmation by Parliament.

(3) The arbitrator shall not in assessing the sum to be paid by
the council to the Undertakers have regard to the fact that the
Undertakers have obtained this Order.

(4) Any such purchase shall be deemed to be a purpose of the
Public Health Act 1875 and after the completion of such purchase
all powers and obligations on the part of the Undertakers to supply
water under this Order shall cease and determine.

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

SCHEDULE.

A.D. 1913.

Alresford.

The Schedule referred to in the section of this Order of which the marginal note is "Subsidiary works and taking of water."

The inclosure numbered 35 in the parish of Alresford on the $\frac{1}{25000}$ Ordnance map of the county of Southampton (1909 edition sheet No. XLII. 5).

BOROUGH OF PORTSMOUTH WATER.

Order empowering the Borough of Portsmouth Waterworks Company to extend their limits of supply and for other purposes.

Borough of
Portsmouth.

1. This Order may be cited as the Borough of Portsmouth Water Order 1913 and this Order and the Borough of Portsmouth Waterworks Acts and Orders 1857 to 1906 may be cited together as the Borough of Portsmouth Waterworks Acts and Orders 1857 to 1913.

Short and
collective
titles.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of
Order.

3. The Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement) and the Waterworks Clauses Act 1847 and 1863 are except where expressly varied by this Order incorporated with and form part of this Order.

Incorporation of Acts.

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

Interpreta-
tion.

5. The Borough of Portsmouth Waterworks Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

6. The limits within which the Undertakers may supply water shall extend to and include in addition to their present limits of supply the parish of Portchester in the rural district of Fareham in the county of Southampton (which parish is in this Order referred to as "the added area") and from and after the commencement of this Order the provisions of the Borough of Portsmouth Waterworks Acts and Orders 1857 to 1906 and of this Order shall so far as

Extension of
limits of
supply.

A.D. 1913.

*Borough of
Portsmouth.*

applicable and except where varied by this Order apply within the added area as if it had been included in the extension of the limits of the Undertakers for the supply of water authorised by section 4 (Limits of Order) of the Cosham Havant and Emsworth Water Order 1872.

Where
Undertakers
not furnish-
ing sufficient
supply local
authority or
company may
supply.

7. If at any time 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 in any part of the added area the Fareham Rural District Council may provide a supply in any part of such area in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such area to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no Undertakers authorised by this Order to supply water therein.

If any difference shall arise between the Undertakers and the said district council and any such company body or person as to the sufficiency of the supply of water in any part of such area such difference shall be settled on the application of either party by the Board of Trade.

Supply of
water for
Government
purposes.

8.—(1) Where any building or place in or adjacent to any street or road in which any pipe of the Undertakers is laid is for the time being in the occupation of His Majesty or any department of His Majesty's Government for public purposes or for the public service the Undertakers shall if required by the person or department having control of the building or place furnish such supply of pure and wholesome water as may be required upon such terms as to payment and otherwise and on such conditions as may be agreed upon or as in default of agreement may be determined as fair and reasonable by the arbitration of a single arbitrator under the Arbitration Act 1889.

(2) On any such arbitration the arbitrator shall proceed on the footing that if any person within the area of supply is entitled under similar circumstances to a supply corresponding to that required by any person or department under this section that person or department shall be entitled to a supply on terms not less favourable.

(3) The Undertakers shall not be required or be placed under any obligation to supply water for other than domestic purposes under the provisions of this section if and whenever such supply would interfere with the supply of water for domestic purposes to any such person or department as aforesaid or to other consumers within the Undertakers' limits of supply.

(4) Nothing in this section contained shall prejudice or affect any existing agreement made between any department of His Majesty's Government and the Undertakers or the rights of the parties thereunder.

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9. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may within the added area for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus and stop-cocks on or in any mains or pipes supplying houses with water and may within the said area insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Undertakers shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Detection of
waste.

10. For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus within the added area the person liable to maintain the same 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.

As to com-
munication
pipes.

11. The Undertakers shall not be bound to supply with water otherwise than by measure any building or premises within the added area 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.

Supply to
houses partly
used for
trade &c.

12.—(1) The Undertakers may make byelaws for the purpose of preventing the 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 waterclosets 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 fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

Byelaws for
preventing
waste &c. of
water.

(2) Such byelaws shall apply only in the case of premises within the added area 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 sections 182 183 184 and 186 of the Public Health Act 1875 and

A.D. 1913. all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties 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.

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(4) A copy of all such byelaws in force for the time being shall be kept at the office of the Undertakers. All persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(5) In case of 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 requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Undertakers as the water rates in respect of the premises are recoverable.

For pro-
tection of
Southampton
County
Council.

13. In executing the works and exercising the powers by this Order authorised so far as they affect main roads and county or main road bridges of the county of Southampton the following provisions for the protection of the county council of the administrative county of Southampton (in this section called "the county council") shall unless otherwise agreed have effect (that is to say):—

- (1) All pipes and other works to be laid in or along any main road or in upon or across any county or main road bridge (which word shall in this section include bridge approaches) shall be laid in such position and if under the metalled portion thereof at such depth as the county council in writing under the hand of their clerk may reasonably require:
- (2) In the application of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes (except consumers' service pipes) the notice required by the thirtieth section of that Act shall be not less than seven days instead of three days:
- (3) The plan required by the thirty-first section of the said Act shall be accompanied by a description of the proposed works (except works for laying connecting or repairing consumers' service pipes) in the case of any main road and by a section in the case of any county or main road bridge and (except

in the case of the works aforesaid) shall be delivered to the county council or their surveyor by the Undertakers not less than fourteen days before they commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works :

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- (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine but a condition requiring payment for any privilege or licence merely shall not be deemed to be reasonable :
- (5) Any alteration repair or improvement of any main road or any county or main road bridge or any alteration of or in the position of the same may be made as if this Order had not been made and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Order authorised to be made or placed in over or through any of the roads or bridges aforesaid or necessitates any support either temporary or permanent to any such works the Undertakers shall after fourteen days' notice in writing by the clerk of the county council forthwith make such alteration of their works or afford such support thereto at their own expense :
- (6) All works of the Undertakers so far as they affect any main roads and county or main road bridges shall be so executed by the Undertakers as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge and the Undertakers shall not open or break up at any one time a greater length than one hundred yards of any road :
- (7) The Undertakers shall pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any main road or of the road over any county bridge in which the pipes of the Undertakers are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said pipes :
- (8) If any difference arise at any time between the county council and the Undertakers touching this section or anything to be

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done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer to be agreed on between the county council and the Undertakers and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of
London and
South Western
Railway
Company.

14. For the protection of the London and South Western Railway Company (in this section called "the South Western Company") the following provisions shall unless otherwise agreed between the South Western Company and the Undertakers apply and have effect:—

(1) In laying down altering improving enlarging extending maintaining repairing or renewing any mains pipes or other works in the exercise of the powers contained in this Order upon across over or under or in any way affecting the railways of the South Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the South Western Company (hereinafter referred to as "the railway works") the same shall be done under the superintendence (if given) and to the reasonable satisfaction of the chief engineer of the South Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in case of difference as may be determined by arbitration in manner hereinafter provided Provided that if the said engineer shall not signify his approval or disapproval of any plans or proposals so submitted to him within twenty-eight days after the same are delivered to him he shall be deemed to have approved thereof Provided also that where in the opinion of the said engineer there is not sufficient space on any bridge to lay any mains or pipes between the road surface and the structure of any such bridge the South Western Company may require such mains or pipes to be carried below the railway or outside or independently of the structure of any such bridge and shall afford all reasonable facilities for the purpose:

(2) All such works shall be done by and at the expense of the Undertakers who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the

railways of the South Western Company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers Provided always that should the South Western Company elect so to do where any mains or pipes require to be laid under or across any level crossing of their railways they may themselves lay the same at the costs charges and expenses of the Undertakers (so far as the same may be reasonably incurred) but so nevertheless that any mains or pipes so laid by the South Western Company shall be laid under the superintendence and to the reasonable satisfaction of the Undertakers' engineer :

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- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the railway works and so as to cause no interruption to the passage or conduct of traffic over such railways :
- (4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any such mains pipes or works in under over or near to the railway works the Undertakers shall make compensation to the South Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :
- (5) The Undertakers shall give fourteen days' notice in writing to the South Western Company (except in cases of emergency when such notice as is reasonably practicable shall be given) before commencing any works affecting the railway works :
- (6) All mains or pipes and other works of the Undertakers upon across over under or in any way affecting the railway works shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put the same into good repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the South Western Company may without any further notice to the Undertakers repair the same and all costs and expenses reasonably incurred by them in or about such repair shall

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be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being reasonably apprehended to the railway works by reason of any such main pipe or other work as aforesaid being in want of repair the South Western Company may without giving such notice as aforesaid execute such repairs as may be immediately necessary and any reasonable costs and expenses to which the South Western Company may be put by reason of any such repairs shall be repaid to them by the Undertakers :

- (7) The Undertakers shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting supporting and protection of the railway works with reference to and during such construction and repair so far as such costs may in case of difference be determined as hereinafter provided to have been necessary but such superintendence by the South Western Company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractors agents or workmen :
- (8) If at any time it is found necessary in order to enable the South Western Company in the exercise of their existing powers to carry out any alterations renewals repairs or extensions of the railway works to alter the position of the said mains pipes or works the Undertakers shall on receiving notice in writing from the South Western Company so to do at their own cost and to the reasonable satisfaction of the engineer of the South Western Company alter the position of the said mains pipes or works or temporarily support the same so far as may be necessary to enable the South Western Company to carry out such alterations renewals repairs or extensions of their railway or works :
- (9) Any dispute or difference which may arise between the South Western Company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the President of the Institution of Civil Engineers on the application of the South Western Company and the Undertakers or either of them and subject thereto the provisions of the Arbitration Act 1889 shall apply to such arbitration.

15. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular the Undertakers shall not after the commencement of this Order under any provision of the Borough of Portsmouth Water Acts and Orders 1857 to 1906 or this Order take use or in any manner obstruct or interfere with the shore foreshore bed or waters of the Dockyard Port of Portsmouth without the consent in writing of the Admiralty first had and obtained for that purpose which consent the Admiralty may give under the hand of their secretary and on such terms and conditions as they may think fit.

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*Borough of
Portsmouth.*Crown
rights.

16. All the 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.

Costs of
Order.

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