



## CHAPTER cvi.

An Act for amending the provisions of the Borough of Portsmouth Waterworks Act, 1857, relative to constant supply of Water under pressure ; and for other purposes. A.D. 1873.

[7th July 1873.]

**W**HEREAS in 1857 an Act was passed having the short title of Borough of Portsmouth Waterworks Act, 1857, whereby the borough of Portsmouth Waterworks Company (in this Act called the Company) are incorporated, and by the same Act and two subsequent Acts, passed in 1861 and 1868 respectively, the Company are empowered to acquire and to make works, and to supply water within the limits of the first-mentioned Act, being the borough of Portsmouth and the harbour there (which first-mentioned Act is in this Act called the Company's Act of 1857) :

And whereas the Company's Act of 1857 contained the following provisions, being sections fifty-six and fifty-eight thereof; (namely,)

LVI. Provided always, that the Company shall not be compellable to supply any person with water unless the apparatus or pipes provided, or to be provided by such person, shall be of such material and so constructed and used as to prevent the waste or undue consumption of the water of the Company, and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company :

LVIII. The water to be supplied by the Company shall be laid on under such pressure as shall give a constant supply for domestic purposes, and for two hours every day the water shall be supplied at such a pressure as shall reach the top story of the highest houses within the limits of this Act: Provided always, that the water to be supplied by the Company need not be constantly laid on under pressure until the expiration of five years after the passing of this Act, unless the works authorised by this Act shall have been completed before the expiration of the said period of five years :

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And whereas it is expedient that provision be made for the establishment and enforcement of regulations prescribing fittings and prohibiting other fittings, and making rules to prevent waste, misuse, undue consumption, or contamination of the water of the Company, and that the Company's Act of 1857 be in some respects amended, but the same cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as the Borough of Portsmouth Waterworks Act, 1873.

Interpretation of terms.

2. In this Act—

“Fittings” includes communication pipes, and other pipes and valves, cocks, cisterns, baths, soil pans, waterclosets, and other apparatus and receptacles used or intended to be used in or for supply of water by the Company to a consumer, and for that purpose placed or intended to be placed in or about the building or land of the consumer:

“Prescribed” and “prohibited” respectively mean prescribed and prohibited by any regulation for the time being in force under authority of this Act:

“The corporation” means the mayor, aldermen, and burgesses of the borough of Portsmouth acting by the council of the borough as the urban sanitary authority for the borough:

“Owner” means the person who for the time being receives the rackrent of the building or land with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any person, or who would so receive the same if the building or land were let at a rackrent, and includes every successive owner from time to time of the building or land, being such for any part of the time during which the enactment wherein that term is used operates in relation to the building or land:

“Person” includes corporation, aggregate or sole.

Limits of Act.

3. This Act shall extend to and apply to and within the limits of the Company's Act of 1857, and no further.

Obligation on Company to make

4. The Company shall within six months after the passing of this Act make regulations prescribing fittings and prohibiting others,

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with a view to preventing waste, misuse, undue consumption or contamination of the water of the Company, but all existing fittings which shall be sound and do not permit waste, and are not required to be removed or altered under such regulations, shall be deemed to be prescribed fittings within the meaning of this Act. In case any dispute or difference shall arise between the Company and any owner or occupier in regard to the question of soundness of existing fittings, or of their not permitting waste, it shall be referred to the decision of the borough engineer and the Company's engineer for the time being respectively, with power in case of their not agreeing to call in a competent and impartial person of engineering knowledge and experience, whose decision thereon shall be final.

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regulations  
for fittings.

5. The Company may from time to time if they think fit, or on the request in writing of the corporation, revoke or alter any regulation or make additional regulations.

Amendment,  
&c. of regu-  
lations.

6. Any regulation and any revocation or alteration of any regulation made by the Company shall be of no force unless and until it has been submitted to and confirmed by the corporation, but in case of difference between the corporation and the Company as to any such regulation or regulations, the same shall be referred to the arbitrament and decision of a competent and impartial person of engineering knowledge and experience, to be agreed upon by the corporation and the Company, or failing such agreement, to be nominated by the Board of Trade.

Confirmation  
of regula-  
tions by  
Local Go-  
vernment  
Board.

7. In either of the following cases ; (namely,)

In case the Company do not make regulations within six months after the passing of this Act ;

In case the Company on being requested as aforesaid to revoke or alter any regulation or to make additional regulations refuse to do so,

On default  
of Company  
power for  
Local Go-  
vernment  
Board to  
make regu-  
lations.

the corporation may make such regulation, revocation, or alteration (if any) as they think fit, but no regulation or any revocation or alteration of any regulation so made by the corporation shall be of force unless and until it has been submitted to and confirmed by the Company, but in case of difference between the corporation and the Company as to any such regulations, the same shall be referred to the arbitrament of a competent and impartial person of engineering knowledge and experience, to be agreed upon by the corporation and the Company, or failing such agreement, to be nominated by the Board of Trade.

8. In case of any regulation or regulations or any proposed alteration or revocation of any regulation or regulations as aforesaid

Regulations  
to come into  
force upon

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approval of  
arbitrator.

being referred to arbitrament or decision pursuant to this Act, the arbitrament and decision of such person shall be final and conclusive on the Company and the corporation, and upon the approval or confirmation of such regulation or regulations, or of any revocation or alteration of any regulation or regulations, with or without modification under his hand and seal, the same shall, subject to the provisions of this Act, come into force.

Provision  
for penalties  
for breach of  
regulations.

9. By any regulations penalties may be imposed for offences against the same not exceeding for any offence five pounds, so that every regulation be so framed as to allow of part only of the maximum penalty being inflicted.

Force of  
regulations.

10. All regulations made, approved, and confirmed as aforesaid shall be binding on and be observed by all parties, and shall be sufficient warrant for all persons acting thereunder.

Notice to  
corporation  
of regula-  
tions.

11. The Company or the corporation (as the case may be) shall, within fourteen days after making any regulation or any revocation or alteration of any regulation, serve notice thereof on the corporation or the Company, as the case may be.

Publication  
of regula-  
tions.

12. A printed copy of all regulations in force for the time being shall be kept at the town clerk's office, at the office of the clerk to the justices of the peace for the borough of Portsmouth, and at the office of the urban sanitary authority, and at the office of the Company, and all persons may at all reasonable times inspect the same without payment, and the Company shall cause to be delivered such a copy to every person applying for the same on payment of not more than threepence for each copy.

Evidence of  
regulations,  
&c.

13. A printed copy of regulations purporting to be such a copy, and to be authenticated by the seal of the Company and the common seal of the corporation as aforesaid, shall be evidence of the existence and of the due making, confirmation, and publication thereof in all proceedings thereunder.

Notice to  
owner, &c.  
to furnish  
fittings, &c.

14. The Company may serve on the owner or occupier of any building or land a notice requiring him to furnish the same with the prescribed fittings, or to remove therefrom any prohibited fittings, or both, as the circumstances may require.

Notice to  
owner, &c.  
to repair  
fittings.

15. Where a building or land has been furnished with the prescribed fittings, the owner or occupier thereof from time to time shall always keep the same in proper repair, and if he fails to do so the Company may serve on him a notice requiring him to put the same into a proper state of repair.

**16.** If the owner or occupier of any building or land fails to comply

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With a notice to furnish the same with the prescribed fittings for one month after service thereof;

Power to Company to execute notice.

With a notice to put the prescribed fittings into a proper state of repair, or to remove prohibited fittings, for forty-eight hours after service thereof,

the Company may, if they think fit, stop or cut off the water supply to such building or land until such notice has been complied with, and until four days after notice in writing of such compliance has been given to the Company.

**17.** The officers and agents of the Company or of the corporation, and any person appointed for the purpose by the Company or the corporation, may at any time in the day between the hours of eight o'clock in the morning and six o'clock in the evening between the first day of April and the thirtieth day of September, and between the hours of nine o'clock in the morning and four o'clock in the afternoon between the first day of October and the thirty-first day of March, enter any building or land in order to inspect or examine the same, or for the purposes of this Act, or of any or either of the recited Acts, or any or either of the Acts incorporated with either of the recited Acts; and if any person hinders or attempts to hinder any such officer, agent, or person from entering, inspecting, examining, or cutting off or discontinuing a supply as aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds.

Power to enter and inspect buildings and lands for purposes of this Act.

**18.** The provisions in section fifty-eight of the Company's Act of 1857 relating to the top storey of the highest houses shall be taken to refer to the top storey of the highest houses in existence at the time of the passing of this Act, or houses hereafter to be built not exceeding in height such existing houses.

Amendments of section 58. of Act of 1857.

**19.** The section fifty-eight of the Company's Act of 1857, as explained and amended by this Act, shall not come into operation until six months after the corporation shall have given to the Company notice in writing to carry that section into operation, and any such notice shall not be given until the regulations provided for by this Act are made and are in operation, nor then if it can be shown by the Company that the requisitions with respect to fittings of this Act, or of any regulations, have not been complied with as regards more than one third of the premises within the limits of this Act, without prejudice nevertheless to any renewed notice by the corporation at a future period; and if any difference shall arise

Suspending operation of that section.

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Provision  
for supply  
in courts,  
passages,  
&c.

**20.** With respect to cases where a group or number of dwelling-houses are situate in a court or passage, or otherwise in contiguity with or in close neighbourhood to one another, the following provisions shall have effect; (that is to say,)

(1.) If at any time it appears to the corporation that a constant supply of water cannot be well and effectually provided for that group or number of dwelling-houses, except by means of a standpipe or other apparatus placed outside the dwelling-houses, the corporation may from time to time make an order to the effect that they may be so supplied, and shall serve the same on the Company:

(2.) If the requisite standpipe or other apparatus in accordance with the regulations of the Company is provided, the Company shall by means thereof give to those dwelling-houses a supply accordingly; and thereupon shall be entitled to receive and recover water rents from the owners or occupiers of those dwelling-houses as if the supply had been given in the dwelling-houses:

(3.) The expense of providing the requisite standpipe or other apparatus shall be borne by the owners of the dwelling-houses in such proportions as the corporation direct:

(4.) The corporation may, if they think fit, make an order under this section for a limited time only, and may at any time abrogate wholly or in part any order made under this section.

Form and  
service of  
notices by  
Company.

**21.** Any instrument (including a notice, requisition, consent, approval, disapproval, demand, or other document) made, given, delivered, or served by the Company under this Act, or any regulation made thereunder, may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the secretary of the Company being affixed thereto in print or writing, or by a stamp on behalf of the Company; and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any building or land to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the building or land in respect whereof it is given or served, the building or land being

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named or described generally, but without further name or description of the owner or occupier; and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring buildings collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several buildings concerned), and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier of a building to any inmate of the building in respect whereof it is given or served, or if the building or land is unoccupied, and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix it or a copy of it on some conspicuous part of the building or land.

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**22.** If the Company fail to comply with any provision of this Act relating to the making, revocation, or alteration of regulations, or fail to give a constant supply of water in accordance with the provisions of this Act, the Company shall, after notice in writing of the offence served on them by the Local Government Board, for every such offence be liable to a penalty not exceeding one hundred pounds, and to a further penalty not exceeding fifty pounds for every month during any part of which the offence continues.

Penalties on Company.

**23.** Every penalty incurred by the Company by reason of non-compliance with any of the provisions of this Act shall go and belong to the corporation, and may be sued for and recovered by them in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount, and shall be paid and applied as the corporation from time to time direct, and all other penalties under this Act, or under regulations made by authority of this Act, shall be recoverable and applicable as penalties under the Company's Act of 1857 are recoverable and applicable.

Recovery and application of penalties.

**24.** The costs, charges, and expenses preliminary to and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act shall be paid by the Company.

Expenses of Act.

