



CHAPTER ccxiv.

An Act for incorporating the Stroud Water Company, and for conferring powers on that Company; and for other purposes.

A.D. 1875.

[13th August 1875.]

WHEREAS the borough of Stroud, in the county of Gloucester, and adjoining parishes and places are imperfectly supplied with water:

And whereas the persons herein-after in that behalf named, with others, are willing to provide a better supply of water to those places if incorporated into a company with the necessary powers for that purpose, and it is expedient that they be incorporated accordingly, and be empowered to make and maintain the works herein-after described:

And whereas it is expedient that the company so to be incorporated (in this Act called "the Company") be authorised to acquire by agreement any waterworks now belonging to the local board of health for the district of Stroud:

And whereas plans and sections of the works by this Act authorised, showing the situation and levels thereof, with a book of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands through and upon which such works are intended to be made, have been deposited at the office of the clerk of the peace for the county of Gloucester, and are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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,)

1. This Act may be cited as "Stroud Water Act, 1875."

Short title.

[Local.-214.]

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Provisions
of certain
general Acts
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Waterworks Clauses Acts, 1847 and 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpre-
tation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "court of competent jurisdiction," or any other like expression in this Act or any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Limits of Act
for supply
of water.

4. The limits of this Act for the supply of water shall be and include the parishes and townships of Avening, Bisley, Haywardsfield, Horsley, King-Stanley, Leonard-Stanley, Minchinhampton, Painswick, Pitchcombe, Randwick, Rodborough, Stonehouse, Stroud, and Woodchester, all in the borough of Stroud and county of Gloucester, so much of the parishes of Brookthorpe and Standish, in the said county, as lies within the said borough, and the parish of Eastington in the county of Gloucester.

Company
incorporated.

5. Edward Watson, Charles Needham Longcroft, James Leslie Powell, Frederick Albert Pullen, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Stroud Water Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General pur-
poses of the
Company.

6. The Company shall be established for the purpose of making and maintaining the reservoir and pumping station by this Act authorised, and for supplying water, by meter or otherwise, to and within the limits of this Act, and for selling or letting on hire meters and other materials necessary or desirable for such supply, and for other the purposes of this Act.

7. The capital of the Company shall be seventy-two thousand pounds, in shares of ten pounds each. A.D. 1875.

Capital.

8. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to issue until one fifth paid up.

9. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

10. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share. Power to divide shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided. Dividends on half shares.

12. Each preferred half share shall be entitled, out of the profits of each year, to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number, but if, in any year ending the thirty-first day of December there shall not be profits available for the pay- Dividends on preferred shares to be paid out of the profits of the year only.

A.D. 1875. — ment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

15. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled, &c.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

17. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Receipt in case of persons not sui juris.

18. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

19. In proceedings under any bankruptcy or deed of composition or arrangement, the secretary of the Company, or any person appointed in his behalf by writing under his hand, may represent the Company, and shall be competent to act for the Company, and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

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Representation of the Company in bankruptcy, &c.

20. The Company may from time to time borrow on mortgage any sums not exceeding in the whole eighteen thousand pounds, and of that sum they may borrow from time to time not exceeding nine thousand pounds in respect of every thirty-six thousand pounds of their capital, but no part of any such sum of nine thousand pounds shall be borrowed until the whole of the respective thirty-six thousand pounds of capital in respect of which it is to be borrowed is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies) that the whole of the respective thirty-six thousand pounds of capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such thirty-six thousand pounds of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective thirty-six thousand pounds of capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Power to borrow on mortgage.

21. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act, unless in either case all dividends upon the shares or stock are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

22. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; in order to authorise the appointment of a receiver in respect of arrears of

Arrears may be enforced by appointment of a receiver.

A.D. 1875. — principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Debenture stock.

23. The Company may create and issue debenture stock subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts, &c.

24. All moneys raised on mortgage by the Company under this Act, and the interest due thereon, and the interest due on debenture stock created and issued under this Act, shall have priority against the Company, and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act, but this priority shall not affect any claim against the Company in respect of any rentcharge to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividends on the mortgages and debenture stock, nor shall anything herein-before contained affect any claim for land taken, used, or occupied by the Company for the purposes of their works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Application of moneys.

25. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

26. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

27. The number of directors shall be six, but the Company may from time to time reduce the number, provided that the number be never less than three.

Qualification of directors.

28. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

29. The quorum of a meeting of directors, so long as the number of directors be four or more, shall be three, but if the

number of directors be reduced to three or less the quorum shall be two. A.D. 1875.

30. Edward Watson, Charles Needham Longcroft, James Leslie Powell, Frederick Albert Pullen, and two other duly qualified persons, to be nominated by them or by the majority of them and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may, subject to the power of reducing the number of directors herein contained, either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors or directors to fill up the number of directors, or to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors.
Election of directors.

31. Any contract to be made under this Act with any local board, corporation, or public body shall not disqualify any of the members of such local board, corporation, or public body for the office of director of the Company, and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company or for renting any land of the Company, but no director of the Company, being a member of any such local board, corporation, or public body, shall vote upon any question with reference to any contract with such local board, corporation, or public body.

Contracts not to disqualify for office of director.

32. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the reservoir and pumping station shown on the deposited plans and sections, and works and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for any of the purposes which the Company are by this Act authorised to execute, and may collect, take, and divert into the said

Power to make water-works.

A.D. 1875. waterworks, and therein impound and thence distribute the waters of any springs and streams on the site of the proposed reservoir and pumping station, or on any lands for the time being belonging to the Company.

Power to purchase lands by agreement.

33. The Company may, for the purposes of their undertaking, purchase, take, and hold (by agreement, but not otherwise) in addition to the lands delineated on the deposited plans and described in the deposited book of reference, any lands and hereditaments not exceeding in the whole five acres which the Company may from time to time require for the purposes of their works and undertaking.

Power to take easements, &c. by agreement.

34. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege in, over, or affecting any lands, not being an easement, right, or privilege of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.

Limits of deviation.

35. Except as in this Act otherwise provided, the Company in constructing the waterworks by this Act authorised may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked or described in writing thereon, and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of works other than the intended reservoir five feet upwards and ten feet downwards, and in the case of the said reservoir three feet upwards and ten feet downwards.

Period for compulsory purchase of lands.

36. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

37. If the waterworks authorised by this Act and shown on the deposited plans are not completed within five years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing herein contained shall restrict the Company, subject to the provisions of this Act, from extending, enlarging, altering, or removing any of their

engines, machinery, mains, or pipes, from time to time as occasion requires, for supplying water within the limits in that behalf of this Act. A.D. 1875.
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38. The Company may from time to time demise and also, either before or after making any demise thereof, absolutely sell and dispose of, to such persons and in such manner as the Company think fit, any lands or works by this Act vested in them or acquired by them under this Act which they do not require for the purposes of their undertaking (subject, nevertheless, to the provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the sale of superfluous lands); and on the sale by the Company of any lands or works they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservations, special conditions, restrictions, and provisions with respect to use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter as they think fit.

Company may sell spare lands of under-
taking.

Reservation of water rights, &c. on sale.

39. Water supplied under this Act need not be constantly laid on under pressure or be supplied in any case at a level above that at which water can be supplied by gravitation from the reservoir by this Act authorised.

Constant pressure, &c.

40. The Company shall, at the request of the owner or occupier of any dwelling-house in any street in which any pipe of the Company shall be laid, or on the application of any person who under the provisions of this Act is entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for domestic use at a rate not exceeding six pounds per centum per annum upon the annual rackrent, or if not let at annual rackrent upon the gross rateable value of the dwelling-house supplied, and so in proportion for any longer or shorter period than a year: Provided that the Company shall not be obliged to furnish any such supply for any less rent than after the rate of twopence per week.

Rate at which water is to be supplied for domestic purposes.

41. In addition to the rates for the supply of water for domestic purposes, the Company may demand and receive for every water-closet beyond one in any house of not more than twenty pounds annual rackrent or (if not let at rackrent) annual value, any yearly sum not exceeding five shillings, and in any other house any yearly sum not exceeding ten shillings for the first or only one, seven shillings and sixpence for the second, and five shillings for every additional one, and for every private fixed bath in any house any yearly sum not exceeding ten shillings.

Rates for waterclosets and baths.

A.D. 1875.

For prevent-
ing fouling
water.

42. Provided always, that the Company shall not be compelled to supply with water any watercloset, or any private fixed bath, or the apparatus or pipes connected therewith respectively, unless the same be 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, nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Supply of
water by
meter.

43. The Company shall, at the request of any consumer of water for purposes other than the purposes for or in respect of which the rates or charges are herein-before provided or limited, or may at their own instance afford a supply of water by meter, and may charge for such supply not exceeding the following rates per one thousand gallons; (that is to say,)

When the quarterly consumption of water shall not exceed fifty thousand gallons, one shilling and sixpence :

When exceeding fifty thousand gallons, one shilling and sixpence for the first fifty thousand gallons and one shilling for any further quantity consumed.

Power to
sell or let
meters.

44. The Company may from time to time sell and dispose of meters, or let meters on hire, upon and subject to such terms (pecuniary and otherwise) and conditions as the Company think fit.

Regulations
to be made
for prevent-
ing waste of
water, &c.

45. The Company from time to time may make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the waste or misuse of water, and amongst other things may prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus whatsoever to be used, and may interdict any arrangements, and the use of any pipes, cocks, cisterns, or other apparatus which may tend to such waste or misuse as aforesaid: Provided always, that no such regulations shall have effect unless and until they have been approved by the Local Government Board.

Power to
purchase
waterworks
of Stroud
local board
and others.

46. With the consent of the Local Government Board as regards the Stroud local board, the Company may acquire by agreement from the Stroud local board, or any company, body, or person possessed of waterworks within the limits of this Act, and the Stroud local board and such other company, body, or person are by this Act respectively authorised and empowered to sell and transfer to the Company their and each and every of their waterworks, mains, or pipes, and all lands, waters, sources of water, agreements, rights, and privileges, works, and conveniences for the supply of

water within the limits of this Act, upon such terms and conditions, pecuniary or otherwise, as the Company and the Stroud local board and such other company, body, or person may agree. A.D. 1875.

47. Subject to the provisions of this Act, the Company may from time to time enter into and carry into effect such contracts and arrangements with any corporation, local board of health, urban or rural sanitary authority, or other local authority, and the trustees of any turnpike or other road, or any highway board, or any surveyors of any highway, and any railway company, and any other companies, bodies, or persons with respect to the supply of water in bulk, or otherwise as the Company think fit, and every such contract and arrangements may be for such period, on such terms, pecuniary or otherwise, and conditions as the Company think fit, and may from time to time by agreement vary or rescind any such contracts or arrangements. Power to Company to agree for supplies of water for other than domestic purposes.

48. Notwithstanding anything in this Act contained, the Company shall not supply water in bulk or otherwise to any corporation, body, or person beyond the limits for the supply of water by this Act authorised, nor to any person within those limits for other than domestic purposes, if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the limits by this Act authorised. Domestic supply within limits of Act not to be interfered with by supply for other purposes.

49. In all cases in which the Company are by this Act authorised to cut off the pipe, or to turn off water from any premises, the Company, their agents and workmen (after giving notice to the owner or occupier as herein-after provided) may enter into such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water of the Company shall be supplied to such premises. Entry on premises to cut off supply in certain cases.

50. The notice to be given previously to such entry shall be in writing, and shall be served in manner following; (that is to say,) Mode of giving notice.

If the premises intended to be entered be occupied, then by leaving the notice thereat, or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry;

If such premises be unoccupied, and the owner thereof and his usual place of abode be in England and be known to the Company, then by delivering the notice to such owner, or by leaving the same at his usual place of abode twenty-four hours, or by sending the same by post in a registered letter addressed to him at his usual place of abode and posted forty-eight hours at least previously to such entry;

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If such premises be unoccupied, and the owner thereof or his usual place of abode be not in England or be not known to the Company after due inquiry, then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry ;

And for the purposes of this section, any person receiving the rents of any such premises, either on his own account or as agent for any other person, shall be deemed the owner of such premises.

Service
pipes.

51. All fittings connected with any service pipe to communicate with the mains and pipes of the Company which shall be provided by any person shall be placed and removed under the superintendence of the Company and at the expense of such person.

Power to re-
move meters
and fittings.

52. The Company, after forty-eight hours notice in writing under the hand of the Secretary or some other officer of the Company to the occupier, or if there is no occupier, then to the owner or lessee of any building or lands in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours, may enter such buildings or lands between the hours of nine in the morning and four in the afternoon, or at any other time with the authority in writing of a justice, for the purpose of removing and may remove every such pipe, meter, and fitting, repairing all damages caused by such entry or removal ; and every notice required by this section shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode or business in England, or, if such person or his usual place of abode or business in England is not known to the Company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Notice to
Company of
putting up
meters, &c.

53. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so, and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of
meters.

54. Every consumer of water of the Company shall at all times, at his own expense, keep all meters belonging to him, whereby any water of the Company is registered, in proper order for correctly registering such water, in default whereof the Company may cease to supply water through such meters, and the Company shall, at all reasonable times, have access to and be at liberty to take off,

remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, and inspecting, and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer.

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55. The register of the meter, when in perfect working order, shall be *primâ facie* evidence of the quantity of water consumed by any customer of the Company in respect of which any water rate or rent is charged and sought to be recovered by the Company.

Register of meter to be *primâ facie* evidence.

56. If any person wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fitting belonging to the Company, or fraudulently alters the index to any meter, or fraudulently prevents any such index from duly registering the quantity of water supplied, he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender,) for every such offence be liable to a penalty not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damages sustained by them, and the Company may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damages is paid, notwithstanding any contract previously existing, and the existence of artificial means for causing such alteration or prevention, when such pipe, meter, or fitting is under the custody or control of the consumer, shall be *primâ facie* evidence that the same has been fraudulently caused by the customer using such pipe, meter, or fitting.

Fraudulently injuring meters, &c.

57. If and whenever any person supplied with water under this Act wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, or undue consumption of water, the Company may recover, in any court of competent jurisdiction, from every person so offending the amount of all damage sustained by reason thereof, and the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

For preventing frauds and waste of water.

58. The Company may, if requested by any person supplied or about to be supplied by them with water, furnish to him and from time to time repair or alter any such meters, pipes, valves, cocks, baths, soil-pans, waterclosets, apparatus, and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf, and

Power for Company to supply materials, &c.

A.D. 1875. — the cost of providing such materials and executing such work shall be paid by the person requiring the same and shall be recoverable from such person in the same manner as the water rates or rents.

Incoming tenant not liable for arrears.

59. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rate or rent, or meter rent left unpaid by any former tenant, unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Company not bound to supply several houses by one pipe.

60. The Company shall not be bound to supply more than one house by means of the same pipe, but they may, if they think fit, require that a separate pipe be laid into each house supplied by them with water.

Recovery of sums due.

61. If any person fails to pay any water rent, meter rent, rate, damages, costs, expenses, or other sum due to or recoverable by the Company under this Act, then, if the amount thereof is not bona fide disputed, the same may be levied by distress (the person in default being first duly summoned), and any justice may issue his warrant accordingly, and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent, rate, damages, costs, expenses, or other sum.

Notice of discontinuance.

62. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing, and be left at the principal office for the time being of the Company.

Liability to water rent not to disqualify justices, &c.

63. A justice or a judge of any court shall not (except as in this Act expressly provided) be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent, meter rent, rate, or charge under this Act.

Contents of summons, &c.

64. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Costs of distress.

65. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for recovery of the money to be levied be paid by the person liable to pay such money, and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Penalties not cumulative.

66. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act, and any Act incorporated wholly or in part with this Act, shall be deemed several Acts.

[38 & 39 VICT.]

Stroud Water Act, 1875.

[Ch. ccxiv.]

67. All costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

A.D. 1875

Expenses
of Act.

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