



CHAPTER xcv.

An Act for incorporating the Sidmouth Water Company and empowering them to acquire and construct works and supply water; and for other purposes. [25th June 1886.] A.D. 1886.

WHEREAS the town of Sidmouth in the county of Devon is supplied with water by means of certain reservoirs and works belonging or reputed to belong to the trustees of the will of the late George Edmond Balfour deceased and certain conduits and lines of pipes which have been laid and maintained partly in land belonging or reputed to belong to them and partly in streets without any statutory authority:

And whereas the demand for water in and around the said town both on behalf of the resident population and of visitors resorting thereto is increasing and the said reservoirs and works are inadequate to meet such demand and it is expedient that better provisions should be made for the supply thereof:

And whereas the persons in that behalf in this Act named are willing on being incorporated into a Company with powers such as are in this Act set forth to undertake the supply of water to the said town and neighbourhood and it is expedient that they should be empowered to purchase the existing waterworks as defined in the First Schedule to this Act and that the Company should also be empowered to construct additional works in this Act described and that powers such as are in this Act contained be conferred on the Company for the better and more effectually carrying the purposes of the undertaking into effect:

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and also books of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Devon and are herein-after respectively referred to as the deposited plans sections and books of reference:

A.D. 1886. — And whereas the objects of this Act 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 :

Short title. 1. This Act may be cited as the Sidmouth Water Act 1886.

Incorporation of general Acts. 2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Waterworks Clauses Acts 1847 and 1863 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms. 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 "the Company" means the Company incorporated by this Act ;

The expressions "the waterworks" and "the undertaking" respectively mean and include the waterworks and the works connected therewith acquired by the Company under this Act and the works by this Act authorised and the undertaking of the Company ;

The expression "railway" in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act means the reservoirs by this Act authorised and the expression "centre of the railway" in those provisions means any part of such reservoirs and the prescribed limits shall be fifty yards from any part of such reservoirs ;

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act for the supply of water shall be the parish of Sidmouth and so much of the parishes of Sidbury and

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Salcombe Regis as is included between the eastern boundary of the parish of Sidmouth a straight line drawn from the northern extremity of the parish of Sidmouth to a house called Balson in the parish of Sidbury shown on the Ordnance map (scale of one inch to a mile) and a straight line continued from thence to a point on the sea coast four furlongs to the east of the eastern end of the Alma Bridge over the River Sid.

5. John Edmond Heugh Balfour Kenneth Robert Balfour John Heugh John Fulford Vicary and William Jowitt 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 herein-after mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Sidmouth 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.

Company
incorporated.

6. The Company shall be established for the purpose of acquiring making and maintaining the waterworks and for supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and generally for carrying the powers of this Act into execution Provided that if the district of any local authority so far as included within the limits of this Act be not adequately supplied with water by the Company within six years after the passing of this Act the restriction on the construction of waterworks by a local authority contained in section 52 of the Public Health Act 1875 shall not apply to or be binding on such local authority in respect of the Company in the case of such local authority desiring to construct waterworks within such part of their district.

General pur-
poses of the
Company.

7. The capital of the Company shall be twenty thousand pounds in two thousand shares of ten pounds each.

Capital and
number and
amount of
shares.

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 be issued
until one-
fifth part
thereof shall
have been
paid up.

9. One fifth of the amount of a share shall be the greatest amount of a call and two months at the 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.

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Receipt in
case of per-
sons not sui
juris.

Power to
borrow.

10. 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.

11. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole five thousand pounds and of that sum they may from time to time borrow any sum not exceeding in the whole two thousand five hundred pounds in respect of each ten thousand pounds of their capital but no part of either such sum of two thousand five hundred pounds shall be borrowed until shares for the whole of the ten thousand pounds of capital in respect of which it is to be borrowed are 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 shares for the whole of such portion of capital have 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 portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were 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.

As to con-
version of
borrowed
money into
capital.

12. 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 so created whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

For appoint-
ment of a
receiver.

13. The mortgagees of the undertaking 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 principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Power to
create de-
benture
stock.

14. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages.

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15. All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions of 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 any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or 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 granted or made or to be granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Moneys borrowed on mortgage or debenture stock to have priority.

16. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

Application of moneys.

17. The first ordinary meeting of the Company shall be held within four months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

First and subsequent meetings.

18. The number of the directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Number of directors.

19. The qualification of a director shall be the possession of not less than twenty shares either alone or jointly with some other person or persons.

Qualification of directors.

20. The quorum of a meeting of directors shall be three when the number of directors exceeds three and two when the number is three.

Quorum of directors.

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First directors.

Election of directors.

21. John Edmond Heugh Balfour Kenneth Robert Balfour John Heugh John Fulford Vicary and William Jowitt 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 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 supply the places 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 subject to the power herein-before contained for reducing the number of directors 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.

Auditors need not hold shares.

22. It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Power to take lands &c.

23. Subject to the provisions and for the purposes of this Act the Company may enter upon take and use all or any of the lands defined on the deposited plans and described in the deposited books of reference so far as they are required for the works by this Act authorised and they may acquire and hold the works described in the schedule to this Act and the lands (other than public roads or streets) upon or in which the same works are situate so far as they are shown on the deposited plans and described in the deposited books of reference Provided that the amount of the purchase money and compensation to be paid by the Company in respect of any land reservoirs and works belonging to the trustees of the will of the said late George Edmond Balfour shall be ascertained by arbitration under the Lands Clauses Consolidation Act 1845 and the Acts amending the same.

Power to make water-works.

24. 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 works in the parish of Sidmouth which are described on the said plans and sections and which comprise the following (videlicet):

- (a) A reservoir or tank to be situate in a plot of land or copse known as the Pit Orchard belonging or reputed to belong to the trustees of the will of the late George Edmond Balfour

and situate immediately to the northward of the Knowle Waterworks; A.D. 1886.

(b) A conduit or line of pipe commencing at a point in Watery Lane near where it is crossed by streamlets flowing from Bulverton Hill and terminating by a junction with the existing line of pipe which conveys water from Muttersmoor to the tank at the said Knowle Waterworks;

(c) A reservoir or tank to be situate in a plot of land known as the Peak Orchard belonging or reputed to belong to the said trustees and situate to the south-west of the Peak Waterworks and midway between the said works and the sea;

(d) A conduit or line of pipe commencing at or near the south-eastern corner of the said last-mentioned plot of land and terminating at or in the public road leading from Sidmouth to Otterton at or near the point where it joins the Cotmaton Road;

together with all such approaches embankments tanks filtering beds sluices adits channels conduits mains pipes and other works and conveniences for collecting filtering storing and distributing water as may be necessary or convenient.

25. Subject to the provisions of this Act the Company may take collect and divert into the existing or intended reservoirs and works aforesaid and therein impound and thence distribute the waters of the streams which flow from Muttersmoor Peak Hill and Bulverton Hill respectively and also any waters which may be found from time to time in on or under the lands for the time being belonging to the trustees which lie within the area of circles described at a radius of three quarters of a mile taking the tank at the Knowle Works and the tank at the Peak Works respectively as the two centres of such circles. Power to take water.

26. In making the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and where the line of any work is shown upon those plans as passing along any road and no limits of lateral deviation are marked on the deposited plans the Company may in making such work deviate laterally to any extent within the boundaries of such road and the Company may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any extent not exceeding five feet Provided always that the Company shall not in the exercise of the powers of lateral deviation hereby conferred upon them construct any embankment by this Act authorised of a greater height above the general surface of the ground than the height thereof shown on the deposited sections. Lateral and vertical deviation.

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For protec-
tion of Mary
Rastrick's
property.

27. And whereas Mary Rastrick of Sea View in the parish of Sidmouth is or claims to be the owner in fee simple of the house known as Sea View and garden and grounds now occupied therewith and also of a house known as Clifton Cottage and grounds now occupied therewith And whereas the gardens and grounds at Sea View House or Sea View with a fountain existing therein are now supplied with water from a tank in the field numbered 1 on the deposited plans by means of a pipe having a discharging outlet of three quarters of an inch internal diameter which pipe is herein-after referred to as "the existing pipe" And whereas the overflow from the said tank from which the existing pipe is supplied now flows down a chine or channel called "Barrowman's Goyle" in the parish of Sidmouth now being or claimed as being part of the grounds of Clifton Cottage Therefore the following provisions shall have full force and effect for the protection of the said Mary Rastrick and her heirs or other the owners for the time being and the occupiers of the said houses respectively known as "Sea View" and "Clifton Cottage":

1. The Company shall provide and lay proper and sufficient mains and pipes to afford a constant supply of water from the reservoirs and works of the Company to Sea View House aforesaid and the gardens and grounds connected therewith for all such purposes as the owners and occupiers of the said house gardens and grounds shall think fit such mains and pipes to be in addition to the existing pipe and to be connected by the Company with the service pipes supplying Sea View House at such point on the boundary between the said house and grounds and the main road leading from Otterton to Sidmouth as the owner for the time being of the said house and grounds may approve and the Company shall at all times maintain in good condition and when necessary renew such mains and pipes up to the point of junction with the service pipes supplying the said house and grounds;
2. The Company shall at all times hereafter and notwithstanding anything to the contrary in this Act contained cause to flow through the said mains and pipes a quantity of water sufficient to maintain a constant supply of good water for all domestic residential and other purposes at Sea View House and the fountain gardens and grounds belonging thereto Provided that the Company shall not be required to supply from their mains any greater quantity of water than at the rate of seventy-three thousand gallons in any one period of twelve months so long as the flow of water from the existing pipe shall be maintained so as with the quantity

aforesaid to be sufficient for all reasonable purposes of the said Mary Rastrick or other the owner or occupier for the time being of Sea View House and grounds including a supply for the said fountain and garden purposes; A.D. 1896.

3. If the owner or occupier of Sea View House and grounds shall at any time require from the Company a supply of water exceeding the amount required to be supplied under the provisions aforesaid the Company shall supply such additional water by meter at the rate of two shillings and sixpence for every thousand gallons or at such less rate if any as shall for the time being be charged for supply by meter for domestic purposes to other residents within the district Provided that if the supply of water from the existing pipe at any time or from any cause falls off the Company shall not be entitled to demand any payment from the said Mary Rastrick or such owner or occupiers in respect of the additional supply of water which may be required to make up the seventy-three thousand gallons before mentioned and the Company shall not be entitled to cut off any part of the supply of seventy-three thousand gallons in consequence of non-payment for further supply;
4. The Company shall at all times (except in times of unusual drought) cause to flow down such parts of the stream flowing into Barrowman's Goyle aforesaid as are under the control of the Company a constant stream of water sufficient to flush and keep the channel in Barrowman's Goyle clear as a watercourse and not to be less (except in times of unusual drought) than two thousand gallons in every twenty-four hours;
5. The supply of water prescribed by this Act for the owners and occupiers of Sea View House and the property thereto belonging shall be enjoyed by them free from any payment by or expense to them except as in this section otherwise provided and shall be in substitution for or by way of giving effect to the water rights which they were entitled to before the passing of this Act and such rights shall not be deemed to be hereby extinguished but shall be at all times hereafter satisfied by the performance by the Company of the obligations aforesaid;
6. The provisions of this section as to water to be supplied shall be deemed to be in satisfaction of all other claims on the part of the said Mary Rastrick or other the owner or occupier of the said houses and grounds in respect of any water rights being injuriously affected by anything done under the provisions of this Act.

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For protec-
tion of Lon-
don and
South-wes-
tern Railway
Company.

28. For the protection of the London and South-western Railway Company (in this section referred to as "the railway company") the following provisions shall apply and have effect videlicet:

(a) Any works executed under the powers of this Act in or along any road crossing over or under the railway of the railway company shall except in case of emergency be done under the superintendence and to the reasonable satisfaction of the chief engineer of the railway company and according to plans sections and specifications previously submitted to and reasonably approved in writing by him and shall be executed at such times as he may reasonably require and so as not to cause any injury to the railway or to any bridge or approaches works or property of the railway company;

Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof;

(b) If any such injury or damage as aforesaid or any interruption of the railway company's traffic be caused by any works of the Company the Company shall make full compensation to the railway company in respect thereof;

(c) All mains pipes or conduits of the Company under or over the railway of the railway company shall be at all times maintained in good repair by the Company and in default of their being so maintained the railway 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 Company require the Company to forthwith put into good repair any such main pipe conduit or other work as aforesaid as may be in want of repair and if the Company for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same the railway company may without any further notice to the Company repair the same and all expenses incurred by them in or about such repair shall on demand be repaid to them by the Company and if any difference arises between the Company and the railway company as to the amount of such expenses the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. If the Company lay any pipe under the powers of this Act in or along any road crossing under or over the railway of the railway company the Company shall (if required by the railway company) pay to the railway company their costs of employing such men as may be

reasonably necessary for watching the railway or signalling thereon in order to protect the same from injury or the traffic thereon from interruption during the execution of such works. If by reason of any accident to any main pipe or conduit of the Company crossing over or under the railway of the railway company the said railway or any works or property of the railway company become liable to injury or immediate danger to the said railway works or property be apprehended the railway company may if they think fit at once proceed to execute such repairs as may be necessary provided they shall forthwith give notice to the Company of their intention to commence the same and any costs and expenses to which the railway company may be put by reason of any such work of repair shall be repaid to them by the Company.

29. 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 after the passing of this Act.

Period for compulsory purchase of lands.

30. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act from time to time by agreement purchase any additional quantity of land not exceeding in the whole five acres or any easement or right (not being an easement or right of water) in or over such additional lands or otherwise which they may from time to time think requisite for any of the purposes of the undertaking. Provided that the Company shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their undertaking.

Power to acquire additional lands by agreement.

31. If the works authorised by this Act and shown on the deposited plans excepting the works described in this Act under the letters (c) and (d) are not completed within six years from the passing of this Act and if the works last mentioned are not completed within fifteen years from the passing of this Act then on the expiration of such periods the powers by this Act granted to the Company for executing the same or in relation thereto respectively shall cease to be exercised except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging altering or renewing any of their engines machinery mains or pipes from time to time as occasion requires for supplying water within the limits of this Act.

Period for completion of works.

32. 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

Power to take easements &c. by agreement.

A.D. 1886. Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act 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.

Reserva-
tion of water
rights &c.
on sale.

33. On the sale by the Company of any lands 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.

Constant
supply and
pressure.

34. The water to be supplied by the Company shall be constantly laid on under pressure but the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is taken.

Rate at
which water
is to be sup-
plied for
domestic
purposes.

35. The Company shall at the request of any owner or any occupier of any dwelling-house or part of a 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 shall be entitled to demand a supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at rates according to the rateable value of such dwelling-house or part of a dwelling-house not exceeding the following (that is to say) :

Where the rateable value of the premises so supplied with water shall not exceed seven pounds at a rate not exceeding twopence per week ;

Where such rateable value shall exceed seven pounds and shall not exceed twenty pounds at a rate per centum per annum not exceeding seven pounds ten shillings ;

Where such rateable value shall exceed twenty pounds and shall not exceed forty pounds at a rate per centum per annum not exceeding seven pounds ;

Where such rateable value shall exceed forty pounds and shall not exceed eighty pounds at a rate per centum per annum not exceeding six pounds ten shillings ;

Where such rateable value shall exceed eighty pounds at a rate per centum per annum not exceeding six pounds ;

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond the first the sum of five shillings per annum and to every bath the sum of ten shillings per annum ;

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Rates for
waterclosets
and private
baths.

Provided that the Company shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water rate rent or charge is paid for the whole of such dwelling-house and premises ;

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor.

36. The Company shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

For prevent-
ing the foul-
ing of water.

37. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes Provided that such supply for other than domestic purposes do not interfere with the supply for domestic purposes.

Power to
Company to
supply water
for other
than domes-
tic purposes.

38. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Company to
pay interest
on money
deposited as
security for
meter &c.

39. 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 five pounds.

Notice to
Company of
putting up
meters &c.

40. Where water is supplied by measure the register of the meter shall be *primâ facie* evidence of the quantity of water consumed.

Register of
meter to be
primâ facie
evidence.

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Fraudul-
lently injur-
ing meters
&c.

41. 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 meter or the index thereof 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 ten 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 damage is paid notwithstanding any contract then 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 *prima facie* evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter. Provided that the Company shall not under the powers of this section discontinue the supply of water to any person unless and until such person shall have had three days notice of the intention to discontinue such supply and shall notwithstanding such notice have failed to remedy the injury complained of and to pay the amount of any damage.

Regulations
for prevent-
ing waste
&c. of water.

42. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (namely):

1. The Company may from time to time make regulations with respect to the construction maintenance and use of water fittings so as to prevent waste misuse undue consumption or contamination of the water of the Company to be observed by persons supplied with such water. Provided always that any such regulations shall apply only in the case of premises to which the Company are bound to afford and do in fact afford a constant supply and shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board. The Company shall on payment of such sum not exceeding twopence as they may demand furnish a copy of the same to any consumer of water who may require the same;

2. The Company may by any such regulations as aforesaid direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connexion disconnexion alteration and repair of pipes valves cocks tanks cisterns soil-pans waterclosets and other apparatus or receptacles for conveying delivering receiving and measuring

water and may interdict any arrangement and use of any pipe valve cock tank cistern bath soil-pan watercloset or other apparatus or receptacle in their judgment likely to occasion waste misuse undue consumption erroneous measurement or contamination of water ;

3. In case of the failure of any person to observe any regulations for the time being in force the Company may if they think fit after twenty-four hours notice in writing enter and by or under the direction of their authorised officer repair replace or alter any pipe valve cock tank cistern bath soil-pan watercloset or other apparatus or receptacle belonging to or used by any person supplied by them and the power of entry given by section 15 of the Waterworks Clauses Act 1863 and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair replacement or alteration and the expense of every such replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered from him as water rent is recoverable ;

4. A printed copy of the regulations purporting to have been made as aforesaid by the Company and to be sealed with the seal of the Company shall be taken to be proof of the due making publication and existence of such regulations until the contrary be shown and any person who shall offend against any such regulations shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day or part of a day such offence shall occur after conviction therefor.

43. In all cases in which the Company are authorised to cut off the pipe or stop or discontinue the supply of water to any premises the Company their agents and workmen may for that purpose and after giving notice as herein-after provided enter into any premises through which such pipe or supply passes between the hours of nine in the forenoon and four in the afternoon.

Entry on premises to cut off supply.

44. The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing under the hand of the secretary or other officer of the Company and shall be given or served in manner following (that is to say) :

Notice before entry.

If such premises 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

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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 forty-eight hours at least previously to such entry ;

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 rackrents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Incoming
tenant not
liable for
arrears.

45. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water 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.

Notice of
discontinu-
ance.

46. 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 office for the time being of the Company.

Contracts
for supply-
ing water
for public
purposes.

47. The Company may from time to time enter into and carry into effect agreements with any sanitary authority company corporation public body officers or persons for the supply by the Company to any such sanitary authority company corporation public body officers or persons respectively of water in bulk and the agreements respectively may be for such times and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit Provided that such supply of water do not interfere with the supply of water for domestic purposes within the limits of supply.

Liability to
water rent
not to dis-
qualify jus-
tices &c.

48. No justice or judge of any court shall 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.

49. 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.

50. 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 the 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.

51. Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

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Penalties
not cumu-
lative.

52. Nothing in this Act shall authorise the Company to purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Restrictio
on taking
houses of
the labour-
ing class.

53. All costs charges and expenses of and incident to the applying for preparing obtaining and passing of this Act and other- wise in relation thereto shall be paid by the Company.

Costs of
Act.

A.D. 1886.

The SCHEDULE referred to in the foregoing Act.

THE KNOWLE WATERWORKS

situate on the lands numbered 13, 14, 15, 16, 19, 20, 21, 22, 26 and 27 on the deposited plans ;

THE PEAK WATERWORKS

situate on the lands numbered 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13 and 14 on the deposited plans ;

THE BULVERTON WATERWORKS

situate on lands numbered 28, 29, 30, 31, 32 and 33 on the deposited plans ;
And all pipes stop-cocks apparatus and fittings connected with the said waterworks or any of them whether in the public roads or otherwise which are now the property of the trustees of the will of George Edmond Balfour.

LONDON : Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1886.