



## CHAPTER cl.

An Act for incorporating the East Huntingdonshire Water Company and empowering them to construct Works and supply Water and for other purposes. [8th August 1887.] A.D. 1887.

**W**HEREAS the towns of St. Ives St. Neots and Godmanchester and the several parishes townships and places in the counties of Huntingdon and Cambridge hereinafter mentioned are at present inadequately supplied with water and it is expedient that provision should be made for affording an adequate supply of pure and wholesome water thereto :

And whereas the persons in that behalf in this Act named with others are willing on being incorporated into a Company with the necessary powers for such purposes to undertake the supply of water to such towns parishes and places and it is expedient that they should be incorporated accordingly and authorised to construct waterworks as by this Act provided and that such other powers as are in this Act contained should be conferred on them for the better and more effectually carrying the purposes of this Act 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 Cambridge and are hereinafter respectively referred to as the deposited plans sections and books of reference :

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

[Ch. c.] *East Huntingdonshire Water Act, 1887.* [50 & 51 Vict.]

A.D. 1887. 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 East Huntingdonshire Water Act 1887.

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 as amended by the Companies Clauses Act 1869 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 but the incorporated provisions of the last-mentioned Act shall apply only to the reservoir by this Act authorised and section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom.

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 and the undertaking by this Act authorised :

And for the purposes of this Act the expression "railway" in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act means the reservoir by this Act authorised and the expression "centre of the railway" in those provisions means any part of such reservoir and the prescribed limits shall be fifty yards from any part of such reservoir and 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 parishes and townships following (that is to say) :—Abbotsley

Bluntisham-cum-Earith Bury Colne Eynesbury Fenny Stanton or Fenstanton Godmanchester Great Gransden Hartford Hemingford Abbots Hemingford Grey Hilton Holywell-cum-Needlingworth Houghton Old Hurst Papworth St. Agnes Pidley-cum-Fenton Ramsey St. Ives St. Neots Somersham Warboys Wisłow Woodhurst Wyton or Witton and Upwood in the county of Huntingdon Bourn Caxton Conington Cottenham Croxton Elsworth Eltisley Fenny Drayton or Fen Drayton Graveley Knapwell Long Stanton All Saints Long Stanton St. Michael Long Stowe or Longstowe Over Papworth St. Agnes Papworth St. Everard Ramsey Ramsey St. Mary's Rampton Swavesey and Willingham in the county of Cambridge and Haddenham and Sutton in the Isle of Ely and county of Cambridge: Provided that if in any parish within the limits and not forming part of the borough of St. Ives or of the St. Neots local board district the Company shall not have made adequate provision for the supply of water within five years from the expiration of the period hereinafter limited for the completion of the works the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of any such parish.

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5. For the protection of the mayor aldermen and burgesses of the borough of St. Ives (acting as the urban sanitary authority for the town of St. Ives and the neighbourhood thereof within the limits of the St. Ives Hunts Improvement Act 1847 under the Public Health Act 1875) (hereinafter called "the Corporation") be it enacted:—

For the protection of the Corporation of St. Ives.

(1.) The Company shall three months before constructing any works within the said district of the said Corporation give notice in writing to the Corporation of their readiness to commence such works and if the Corporation within one month after the receipt of such notice give to the Company a counter notice under their common seal that they desire themselves to supply water within the said district of the said Corporation the following provisions shall (unless otherwise agreed between the Corporation and the Company) have effect (that is to say):—

(A.) The Corporation shall immediately after the delivery to the Company of such counter notice proceed with all practicable dispatch to lay down the pipes and other works necessary for affording a proper and sufficient supply of water within their district so far as is consistent with such supply being taken in bulk from the Company:

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- (B.) When and so soon as the Corporation shall have laid down such pipes as aforesaid they shall give to the Company notice in writing to that effect under the hand of the town clerk and the Company shall as soon as may be after the date of the delivery of such last-mentioned notice deliver and for ever thereafter continue to deliver at such point on the confines of the said district of the said Corporation and within the limits of supply as may be agreed upon between the Corporation and the Company or in the event of difference may be settled by arbitration as hereinafter provided into the mains to be laid as aforesaid by the Corporation such quantity of pure and wholesome water at the rate of sixpence per one thousand gallons as the Corporation may from time to time require for the purposes of the supply of water to their district but the Company shall not be compellable to afford a greater supply of water to the Corporation under this subsection than shall be for the time being *bonâ fide* required for the purposes of domestic supply street watering fire brigade and other public purposes and a reasonable supply for trade purposes within the said district of the said Corporation :
- (c.) The Company at their own cost shall immediately after the receipt of such counter notice as aforesaid with all practicable dispatch construct and maintain at such point as aforesaid on the confines of the said district of the Corporation suitable meters in duplicate for registering the quantity of water delivered as aforesaid (such meters to be of the manufacture of some maker of reputation agreed upon between the Company and the Corporation and each meter to be by-passed so that if one is out of repair the other can be used) and the Company shall also construct and maintain a proper meter house and other requisite apparatus for the meters and such meters shall be *primâ facie* evidence of the amount of water so supplied :
- (d.) If and so long as the Company perform the obligations imposed on them by this enactment except so far as prevented by inevitable accident the Corporation shall not take or supply any water within their district other than the water delivered to them as aforesaid by the Company or sanction the supply within their district of water by any other company body or person but save as aforesaid nothing in this Act shall take away limit or restrict any rights powers privileges or obligations which

under the Public Health Act 1875 or otherwise the Corporation would or might have exercise or be subject to in connection with the supply of water within their said district :

- (E.) Such supply shall be constantly laid on under pressure but the Company shall not be required to supply such water under pressure greater than can be afforded by gravitation from the works from which such supply is taken :
- (F.) Except so far as may be necessary for the purpose of laying down maintaining renewing or replacing any main or pipe which it may be necessary to lay through the said district of the said Corporation for the purpose of supplying places beyond such district the Company shall not exercise any of the powers conferred upon them or be liable to any of the obligations imposed upon them by this Act or the Acts incorporated herewith within the said district of the said Corporation save so far as may be necessary for giving effect to this enactment :
- (G.) The officers of the Corporation may between the hours of ten in the forenoon and four in the afternoon and after twelve hours' notice to the Company enter the meter house in order to ascertain the state and condition of the meters or the quantity of water supplied by the Company and if any person hinders such officer from entering or making such inspection he shall for every offence on summary conviction thereof before a justice of the peace be liable to a penalty not exceeding five pounds :
- (2.) If the Corporation do not give counter notice as herein-before provided of their intention to supply water themselves within their district the Corporation may at any time within twelve years from the passing of this Act by notice in writing under their common seal addressed and sent to the secretary or delivered at the principal office of the Company require the Company to sell and the Company shall thereupon sell to the Corporation all water pipes fittings and other waterworks apparatus belonging to the Company (other than such pipes fittings and other apparatus as may be required for the supply of any other portion of the Company's limits of supply and other than any of the waterworks herein-before described and by this Act authorised to be constructed) which shall at the time of the delivery of such notice be laid within the said district of the said Corporation at such price and upon and subject to such terms and conditions as may be settled by

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agreement between the Corporation and the Company or failing agreement as may be determined by arbitration as hereinafter provided. From and after such sale the provisions of subparagraphs (B) (C) (D) (E) and (G) of sub-section (1) of this section shall as far as the same are applicable apply as fully and effectually as if the Corporation had given the counter notice mentioned in that sub-section :

(3.) The Corporation may for the purposes of this section exercise all the powers of borrowing which they possess under the Public Health Act 1875 as if the purposes of this section were purposes under the Public Health Act 1875 and all provisions for repayment of money formation of sinking fund and audit shall apply as if it were a case of expenditure by the Corporation under that Act :

(4.) If any dispute or difference shall arise as to the provisions of this section such difference or dispute shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either party. The decision of the arbitrator shall be final and binding upon the parties and the costs of the arbitration shall be in the discretion of the arbitrator.

Provisions  
for the  
supply of  
St. Neots.

**6.** The Company shall two months before commencing any works within the St. Neots Local Board District (in this section called "the district") give notice in writing to the St. Neots Local Board (in this section called "the local board") by serving the same upon the clerk to the local board of their readiness to commence such works and if the local board within one month after the receipt of such notice give a counter notice signed by their clerk to the Company that they desire to retain in their own hands the supply of water within the district the following provisions shall unless otherwise agreed between the Company and the local board have effect (that is to say) :—

(1.) The local board shall immediately after the giving to the Company of such counter notice proceed with all practicable dispatch to lay down and construct the pipes and other works necessary for affording a proper and sufficient supply of water within the district so far as is consistent with such supply being taken in bulk from the Company :

(2.) When and as soon as the local board shall have laid down and constructed such pipes and works as aforesaid they shall give to the Company notice thereof in manner aforesaid and the Company shall from and for ever after the receipt of such last mentioned notice deliver at such point on the confines of the district within the limits of this Act as may be agreed upon between the Company and the local board into the mains of

the local board such quantity of pure and wholesome water at the price of sixpence per one thousand gallons to be paid quarterly as the local board may from time to time bonâ fide require for domestic use street watering fire brigade and other reasonable purposes within the district :

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- (3.) The Company at their own cost shall immediately after the receipt of such counter notice as aforesaid with all practicable dispatch construct and shall for ever thereafter maintain at such point as aforesaid on the confines of the district suitable meters in duplicate for registering the quantity of water delivered as aforesaid such meters to be of the manufacture of some maker of reputation agreed upon between the Company and the local board and each meter to be by-passed so that if one is out of repair the other can be used together with a proper meter house and other apparatus requisite for the meters and such meters shall be primâ facie evidence of the quantity of water so delivered :
- (4.) If and so long as the Company perform the obligations imposed on them by this enactment except so far as prevented by unavoidable cause or accident the local board shall not take or supply any water within the district other than the water delivered to them as aforesaid by the Company or sanction the supply within the district of water by any other company body or person but save as aforesaid nothing in this Act shall take away limit or restrict any rights powers privileges or obligations which under the Public Health Act 1875 or otherwise the local board would or might have exercised or be subject to for providing a supply of water or in anywise in relation to the supply of water if this Act had not been passed :
- (5.) The Company shall not exercise any of the powers or be liable to any of the obligations conferred or imposed upon them by this Act within the district save so far as necessary for giving effect to this enactment :
- (6.) The officers of the local board may enter the meter house for housing the meters in order to ascertain their state and condition or the quantity of water supplied by the Company to the local board and if any person hinders any such officers from entering or making such inspection he shall for every such offence on summary conviction thereof before any justice of the peace be liable to a penalty not exceeding five pounds but this power of entry shall be exercised only between the hours of ten in the forenoon and four in the afternoon and after twelve hours' notice to the Company of the intention of such officers to inspect such meters as aforesaid :

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(7.) If any dispute or difference shall arise as to the provisions of this section such difference or dispute shall be referred to an arbitrator to be appointed by the Local Government Board on the application of either party. The decision of the arbitrator shall be final and binding upon the parties and the costs of the arbitration shall be in the discretion of the arbitrator.

Company incorporated.

7. John Mansel Brett Frank Telford Charles Prentice Tebbutt Frederic Warren 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 hereinafter mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the East Huntingdonshire 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 purposes of the Company.

8. The Company shall be established for the purpose of 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.

Capital and number and amount of shares.

9. The capital of the Company shall be forty thousand pounds in four thousand shares of ten pounds each.

Shares not to be issued until one-fifth part thereof shall have been paid up.

10. 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.

Calls.

11. 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.

Receipt in case of persons not sui juris.

12. 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.

Power to borrow.

13. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole ten 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 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.

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

As to conversion of borrowed money into capital.

**15.** 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 one thousand pounds in the whole.

For appointment of a receiver.

**16.** 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

Power to create debenture stock.

A.D. 1887. — 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. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Moneys borrowed on mortgage or debenture stock to have priority.

**17.** All moneys 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 rent-charge granted 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 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.

Application of moneys.

**18.** 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.

First and subsequent meetings.

**19.** 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.

Number of directors.

**20.** 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.

Qualification of directors.

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

Quorum of directors.

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

First directors.

**23.** John Mansel Brett Frank Telford Charles Prentice Tebbutt Frederic Warren and one other person to be nominated by 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 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 hereinbefore 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.

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Election of directors.

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

Auditors need not hold shares.

**25.** 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.

Power to take lands.

**26.** 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 hereinafter described and may exercise the powers hereinafter mentioned. The works hereinbefore referred to and authorised to be made and maintained and the powers by this Act authorised to be exercised comprise the following works wholly situate in the parish of Bourn in the county of Cambridge and the following powers (that is to say) :—

Power to make water-works.

(A.) A well and pumping station to be situate in a field adjoining and on the northern side of the Old North Road Station on the Bedford and Cambridgeshire Railway of the London and North-Western Railway Company which field is numbered 523A on the map attached to the altered apportionment of the Tithe Commutation Map of the said parish of Bourn dated the eighteenth day of December 1873 and is part of the property numbered 523 on the original Tithe Commutation Map of the said parish :

(B.) A service reservoir to be situate in the north-east corner of the field numbered 12 on the Tithe Commutation Map of the said parish of Bourn :

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- (c.) An aqueduct conduit or line of pipes commencing at the well and pumping station by this Act authorised and terminating in the reservoir by this Act authorised :
- (d.) All proper and necessary embankments filtering beds softening tanks dams gauges drains sluices catchpits conduits culverts channels wells cuts adits approaches apparatus engines works and conveniences in connection with such works :
- (e.) The collection taking and using of all or any of the underground springs and waters which can or may be collected or taken by means of the aforesaid waterworks or which may be found in or under any of the lands to be acquired by the Company under the powers of this Act.

Lateral and vertical deviation.

**27.** 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 three feet upwards and five feet downwards: Provided 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 greater height above the general surface of the ground than the height thereof shown on the deposited sections.

Period for compulsory purchase of lands.

**28.** 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.

Power to acquire additional lands by agreement.

**29.** 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.

Restriction on taking houses of labouring class.

**30.** 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 others than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

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**31.** If the works 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 such period the powers by this Act granted to the Company for executing the same or in relation thereto 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 cuts adits or other incidental works 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 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 rent-charges 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.

Power to take easements &c. by agreement.

**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.

Reservation of water rights &c. on sale.

**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

Constant supply and pressure.

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

**35.** The Company shall 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 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 two pence 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 sixty pounds at a rate per centum per annum not exceeding six pounds ten shillings :

Where such rateable value exceeds sixty pounds but does not exceed eighty pounds at a rate per centum per annum not exceeding six pounds :

Where such rateable value exceeds eighty pounds but does not exceed one hundred pounds at a rate per centum per annum not exceeding five pounds ten shillings :

Where such rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding five pounds :

Rates for water closets and private baths.

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

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

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 :

Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the

valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

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**36.** The Company shall not be compelled to supply with water any water-closet 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 preventing the fouling 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 shall not at any time interfere with the supply for domestic purposes.

Power to Company to supply water for other than domestic purposes.

**38.** The Company may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meter and fittings and for securing safe access to and the safety and return to the Company of such meter and fittings as may from time to time be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as water rates rents or charges due to the Company.

Power to sell or let meters.

**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 all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to Company of putting up meters &c.

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

Register of meter to be *prima facie* evidence.

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Fraudu-  
lently  
injuring  
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 five pounds and the Company may in addition thereto recover the amount of any damages sustained by them 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.

Repair of  
meters.

42. 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.

Power to  
remove  
meters and  
fittings.

43. 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 building 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.



44. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil-pans and water-closets apparatus receptacles fittings and appliances as are required or permitted by their regulations in connection with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

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Power for  
Company to  
supply  
materials &c.

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

Company  
not bound  
to supply  
several  
houses by  
one pipe.

46. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

Where  
several  
houses  
supplied by  
one pipe  
each to pay.

47. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water.

Supply of  
water to  
tenements in  
a row.

48. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say):—

Regulations  
for pre-  
venting  
waste of  
water &c.

(1.) The Company may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before-mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination:

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- (2.) No such regulations shall be of any force or effect except within the district which the Company is bound to supply and does in fact supply or is prepared to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :
- (3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit :
- (4.) A copy of all such regulations in force for the time being shall be kept at the office of the Company and all persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding two pence for each copy :
- (5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof :
- (6.) In case of failure of any person to observe such regulations as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable :
- (7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after con-

viction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

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**49.** In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement with creditors 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 of such secretary or person and not of the Company.

Representation of the Company in bankruptcy &c.

**50.** Any notice to be served on a person supplied with water 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 to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Form and service of notices by Company.

**51.** 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.

Incoming tenant not liable for arrears.

**52.** 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.

Notice of discontinuance.

**53.** The Company may from time to time enter into and carry into effect agreements with any urban or rural sanitary authority of any district adjoining the limits of supply or any company authorised to supply water under Parliamentary Authority within

Contracts for supplying water for public purposes.

A.D. 1887. — any such district for the supply by the Company to any such sanitary authority or company 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 and the Company may also from time to time enter into and carry into effect agreements with any such sanitary authority whose district or part of whose district is situate within the limits of this Act for the sale to such sanitary authority of all or any of the water pipes fittings and other waterworks or apparatus or any property of the Company which may be laid or be situate within the district of such sanitary authority. From and after the completion of any and every such sale all obligation on the part of the Company to supply water within the district of the sanitary authority to whom any such sale shall be made shall (except so far as may be otherwise agreed between the Company and such sanitary authority) cease and determine: Provided that it shall not be lawful for the Company to supply water under any such agreement beyond the limits of this Act or for other than domestic purposes within those limits if and so long as such supply shall interfere with the supply of water for domestic purposes within the limits of this Act.

Liability to water rent not to disqualify justices &c.

**54.** 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.

Costs of distress.

**55.** 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.

Penalties not cumulative.

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

Costs of Act.

**57.** All costs charges and expenses of and incident to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

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