



CHAPTER clvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Barton-upon-Humber Water Bridge of Allan Water Frith Hill Godalming and Farncombe Water Gosport Water Newmarket Water Royston Water and Steyning and District Water. A.D. 1897.
[6th August 1897.]

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

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act 1870 is not of any validity or effect whatever until the confirmation thereof by Act of Parliament :

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

Be it therefore 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 :—

1. This Act may be cited as the Water Orders Confirmation Act 1897. Short title.

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

A.D. 1897.

Special
provisions
as to houses
of labouring
class.

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans 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.

SCHEDULE OF ORDERS.

A.D. 1897.

BARTON-UPON-HUMBER WATER.—Order empowering the Barton-upon-Humber Water Company Limited to maintain and continue waterworks and to supply water in the parishes of Barton-upon-Humber Barrow and Goxhill in the parts of Lindsey in the county of Lincoln.

BRIDGE OF ALLAN WATER.—Order empowering the Bridge of Allan Water Company to extend and improve their works and to raise additional capital. •

FRITH HILL GODALMING AND FARNCOMBE WATER.—Order empowering the Frith Hill Godalming and Farncombe Water Company Limited to construct additional waterworks in the parish of Godalming in the county of Surrey and to raise additional capital and for other purposes.

GOSPORT WATER.—Order empowering the Gosport Waterworks Company to extend their limits of supply to construct additional waterworks in the parishes of Alverstoke and Rowner in the county of Southampton and to raise additional capital.

NEWMARKET WATER.—Order empowering the Newmarket Waterworks Company Limited to raise additional capital.

ROYSTON WATER.—Order empowering the Royston Water Company Limited to maintain and continue waterworks and to supply water in the parishes of North Royston South Bassingbourn South Kneesworth South Melbourn South Royston otherwise called Royston (Herts) and part of the parish of Sherfield in the county of Hertford.

STEYNING AND DISTRICT WATER.—Order authorising the construction and maintenance of waterworks and the supply of water to the town and parish of Steyning and the parishes of Bramber and Upper Beeding in the county of Sussex and for other purposes.

A.D. 1897.

BARTON-UPON-HUMBER WATER.

Barton-upon-Humber.

Order empowering the Barton-upon-Humber Water Company Limited to maintain and continue Waterworks and to supply Water in the Parishes of Barton-upon-Humber Barrow and Goxhill in the Parts of Lindsey in the County of Lincoln.

Short title.

1. This Order may be cited as the Barton-upon-Humber Water Order 1897.

Commencement of Order.

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

Revocation of Barton-upon-Humber and District Water Order 1885.

3. The Barton-upon-Humber and District Water Order 1885 is hereby revoked.

Incorporation of Acts.

4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order and the said provisions of the Waterworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under this Order.

Interpretation.

5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings.

Provided that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Limits.

6. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes or places of Barton-upon-Humber Barrow and Goxhill in the parts of Lindsey in the county of Lincoln.

Provided that the Undertakers shall not supply water in the village of Barrow without the previous consent in writing of the Parish Council of Barrow but such consent shall not be necessary to authorise the Undertakers to lay a main-service pipe through the said parish for the supply of the parish of Goxhill.

Provided also that nothing in this Order contained shall be held to prejudice any power of utilising any well stream or spring or providing facilities for obtaining water therefrom conferred upon the said parish council by the Local Government Act 1894.

7. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no company authorised by this Order to supply water therein. Provided nevertheless that so far as the following principal streets of Barton-upon-Humber are concerned this clause shall be read and construed as if the period of three years were substituted for the period of five years that is to say Whitecross Street Market Lane Holydyke Priestgate Hungate High Street Burgate Queen Street Newport Street Fleetgate Waterside and George Street.

A.D. 1897.

Barton-upon-Humber.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

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

Undertakers.

8. The Barton-upon-Humber Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

9. The capital of the Undertakers shall not for the purposes of their undertaking exceed sixteen thousand pounds consisting of the sum of ten thousand pounds (in this Order referred to as "the original capital") and a further sum of six thousand pounds (in this Order referred to as "the additional capital") unless any increase thereto be hereafter authorised for such purposes by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

10. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the original or additional capital than ten pounds in respect of every one hundred pounds actually paid up of such original capital as may be issued as ordinary capital and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such original or additional capital as may be issued as preference capital.

Limits of dividend on capital.

11. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares in the original and additional capital of

Dividends on different classes of ordinary capital to be paid proportionately.

A.D. 1897.

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Limit of
borrowing
powers.

New shares or
stock to be
offered by
auction or
tender.

When pro-
prietor tenders
same amount
as any other
person pro-
prietor to be
declared the
purchaser.

Purchase
money of
capital sold to
be paid within
three months.

Notice to be
given as to
sale of shares
and stock.

Shares or stock
not sold by
auction or by

the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

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

13. The Undertakers shall when any shares or stock forming part of the additional capital created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers

14. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share.

15. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

16. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

17. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the

reserved price put upon the same respectively for the purposes of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares may upon such second auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any share or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares is sold.

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tender to be
offered to
shareholders.

18. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of
premium
arising on issue
of shares or
stock.

Lands.

19. The Undertakers may by agreement purchase take on lease acquire and use any lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the grantors have an interest) in over or affecting any lands which they may require for the purposes of the Undertaking. Provided always that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time hold for such purposes more than five acres of land in addition to the lands held by them at the commencement of this Order. Provided also that no building shall be erected on such lands except such as are required for the purposes of the undertaking. Provided also that the Undertakers shall not sink any well upon or take any water from any land situate within the parish of Barrow.

Power to
acquire lands.

20. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which other than the grantors have an interest) 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 or to such easements rights or privileges as aforesaid.

Persons under
disability may
grant ease-
ments &c. to
Undertakers.

Waterworks.

21. The Undertakers on the lands upon which the same are situate may maintain and continue and from time to time alter and enlarge renew and

Power to main-
tain water-
works.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 Vict.]

A.D. 1897. improve their existing works situate in the parish of Barton-upon-Humber in the parts of Lindsey in the county of Lincoln.

Barton-upon-Humber.

The existing works are as follows:—

A well shaft or boring with pumping station pumping engines and engine and boiler house and a filter house cistern tank and other works buildings and conveniences in connexion therewith situate on the west side of Caistor Road Barton-upon-Humber.

Undertakers not to pump water to waste.

22. The Undertakers shall not (except during the repair or enlargement of the works by this Order authorised to be maintained) pump more water than they may reasonably require for the purposes of supplying and selling water within the limits of supply.

In any case in which it is represented in writing to the Board of Trade by any person that the Undertakers have made or are making default in complying with the provisions of this section and alleging that he is aggrieved by reason of such default the Board of Trade may if they think fit direct an inquiry by an officer to be appointed by the said Board such inquiry to be conducted subject to the provisions of the Board of Trade Arbitrations &c. Act 1874 and of section 63 of the Tramways Act 1870 and as though such inquiry were directed by the Board of Trade under the authority of the last-mentioned Act and the costs of every such inquiry shall be borne and paid as the said officer may direct and if the Board of Trade certify in writing under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board the Undertakers shall for every such offence so certified be subject on information laid or complaint made to a penalty not exceeding ten pounds and in case of a continuing offence to a further penalty not exceeding ten pounds for every day after the first on which such default continues and such penalty or penalties shall be paid to the person making such representation as aforesaid.

Undertakers to fix and maintain counters or indexes to pumping engines.

23. As part of the works and appliances authorised by this Order the Undertakers shall fix and maintain to the reasonable satisfaction of the engineer for the time being of the Barton-upon-Humber Urban District Council upon each and every pumping-engine used by them a counter or index or other apparatus proper and sufficient for indicating and measuring day by day the quantity of water pumped by such engine and such counter or index or other apparatus shall be open to the inspection of the said district council or of any person duly authorised by them at all reasonable times. If any dispute shall arise as to the sufficiency or state of repair of any such counter or index or other apparatus as aforesaid the Board of Trade may if they think fit direct any inquiry by an officer to be appointed by the said Board such inquiry to be conducted subject to the provisions of the Board of Trade Arbitrations &c. Act 1874 and of section 63 of the Tramways Act 1870 and as though such inquiry were directed by the Board of Trade under the authority of the last-mentioned Act and the costs of every such inquiry shall be borne and paid as the said officer may direct and if the Board of Trade certify in writing under the hand of a secretary or an assistant secretary of the said Board that any alterations or repairs are necessary and that the same shall be made within the time and in the manner therein specified the Undertakers shall make such alterations

[60 & 61 Vict.] *Water Orders Confirmation Act, 1897.* [Ch. clvi.]

and repairs in the manner and within the time specified in such certificate and if they fail to do so shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such failure continues and such penalty or penalties shall be paid to the said district council.

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24. A certificate purporting to be signed by a secretary or an assistant secretary of the Board of Trade under either of the two next preceding sections shall be conclusive evidence of the facts therein stated.

Certificates to be conclusive evidence of facts therein stated.

25. Nothing in this Order contained shall be held to prohibit the Barton-upon-Humber Urban District Council from constructing or maintaining any works for supplying water for the gratuitous use of any of the inhabitants of the district of the said district council.

Barton Urban District Council may construct works for gratuitous supply of water.

26. If any difference arises between the Undertakers and any railway canal or other company whose land or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduit or pipes or as to the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

As to pipes crossing the works of a railway or other company.

Supply.

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

Rates for supply for domestic purposes.

Where the rateable value of the premises so supplied with water shall not amount to six pounds at a rate not exceeding eight shillings and eight-pence ;

Where such rateable value amounts to six pounds and does not exceed ten pounds the rate of eight pounds per centum upon such rateable value ;

Where such rateable value exceeds ten pounds and does not exceed twenty pounds the rate of seven pounds ten shillings per centum upon such rateable value ;

Where such rateable value exceeds twenty pounds and does not exceed forty pounds the rate of seven pounds per centum upon such rateable value ;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds the rate of six pounds ten shillings per centum upon such rateable value ;

Where such rateable value exceeds sixty pounds the rate of six pounds per centum upon such rateable value ;

And so in proportion for any shorter period than a year :

Provided also that the Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than five shillings in any one year nor for a less period than six months and that the Undertakers shall in no case be

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 VICT.]

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entitled to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale :

Provided further that the rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the half year in which the water rate accrues or if there is none then by the last rate made for the relief of the poor :

Provided also that where the water rate is chargeable on the rateable value of a part only of any tenement 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.

Rates for
waterclosets
&c.

28. In addition to the foregoing charge the Undertakers may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) in any premises which the Undertakers are for the time being furnishing a supply of water for domestic purposes within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath an additional sum not exceeding ten shillings per annum and such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate Provided always that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when as usually filled for use more than fifty gallons of water.

Regulations for
preventing
waste &c. of
water.

29. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply The said provisions are as follows :—

(1.) The Undertakers 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 connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets 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.

(2.) No such regulations shall be of any force or effect 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 shall have been given by or on behalf of the Undertakers 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.

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(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence 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 Undertakers 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 Undertakers may if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are 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 Undertakers 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 whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

30. The Undertakers may from time to time when required supply the road authority within the meaning of section 2 of the Gas and Water Works Facilities Act 1870 including the county council of the parts of Lindsey Lincolnshire and every sewer and local authority within the limits of supply with water for watering roads and streets and for flushing sewers and drains or other public purposes for such remuneration (not exceeding the sum of ninepence per thousand gallons) and upon such terms and conditions as shall be agreed upon between the Undertakers and such road or sewer and local authority or as in the case of disagreement shall be settled by two justices but no such supply shall be afforded whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order.

Undertakers
may supply
water to road
and sewer
authorities.

31. The Undertakers may if they think fit enter into agreement for the supply of water by measure to any person within the limits of supply and

Supply of
water by
measure.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 VICT.]

A.D. 1897. *Barton-upon-Humber.* may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the price of such meter or other instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Undertakers
to keep meter
&c. in repair.

32. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Register of
meters &c. to
be evidence.

33. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers. Provided always that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Amendment of
10 & 11 Vict.
c. 17. s. 14.

34. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of" the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom. Provided always that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several
houses supplied by one
pipe each to
pay.

35. 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 waterworks of the Undertakers by a distinct pipe. Provided always that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

Supply of
water to
tenements in
a row.

36. Where there are several tenements in a row 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 Undertakers to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring
meters &c.

37. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or fraudulently alters the

index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

A.D. 1897.

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

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

Miscellaneous.

39. In case any consumer of water supplied by the Undertakers leaves the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable to pay arrears.

40. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several names and several sums.

Several names in one summons.

41. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress to include costs.

42. No justice or judge of any county or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Liability to water rate not to disqualify justices from acting.

43. At any time after the commencement of this Order the Undertakers may sell and transfer their undertaking or any part thereof to any local authority within the meaning of that term in the Public Health Act 1875 whose district or part of whose district may be within the limits of supply of the Undertakers and any such local authority may with the sanction of the Local Government Board purchase the same for such price and upon such terms and conditions as may be agreed upon and from and after such sale

Power to Undertakers to sell undertaking to local authority.

A.D. 1897.

*Barton-
upon-
Humber.*

of the undertaking to any such local authority as aforesaid all the property real and personal and all rights powers and privileges authorities duties obligations and liabilities of the Undertakers in respect of the undertaking (or the part thereof so sold and transferred) held enjoyed exerciseable or to be performed by the Undertakers at the time of such sale other than and except powers relating to share and loan capital and of general meetings and directors or otherwise relating to the constitution or management of the Undertakers shall subject to all the liabilities then affecting the same be transferred to and vested in and may and shall be enjoyed and exercised and performed by the local authority purchasing the same as though the same had been acquired by and conferred upon the said local authority instead of the Undertakers.

8 Vict. c. 16.
s. 140. incor-
porated.

44. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

45. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

BRIDGE OF ALLAN WATER.

*Bridge of
Allan.*

*Order empowering the Bridge of Allan Water Company to extend
and improve their Works and to raise additional Capital.*

Short title.

1. This Order may be cited as the Bridge of Allan Water Order 1897.

Commence-
ment of Order.

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

Construction
of Order.

3. The Bridge of Allan Water Company's Act 1866 (in this Order referred to as "the Act of 1866") the Bridge of Allan Water Order 1872 (in this Order referred to as "the Order of 1872") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Incorporation
of Acts.

4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order and so far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

[60 & 61 Vict.] *Water Orders Confirmation Act, 1897.* [Ch. clvi.]

The payment of subscriptions and the means of enforcing the payment of calls ;
 The forfeiture of shares for nonpayment of calls ;
 The remedies of the creditors of the Company against the shareholders ;
 The borrowing of money by the Company on mortgage or bond ;
 The conversion of the borrowed money into capital ;
 The consolidation of the shares into stock ;
 The general meetings of the Company and the exercise of the right of voting by the shareholders ;
 The making of dividends ;
 The giving of notices ; and
 The provision to be made for affording access to the special Act by all parties interested ;

A.D. 1897.

Bridge of Allan.

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

5. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in this Order the expressions "deposited plans" and "deposited sections" mean respectively the plans and sections deposited for the purposes of this Order. Interpretation.

6. The Bridge of Allan Water Company incorporated by the Act of 1866 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

Additional Capital.

7. In addition to the capital already authorised to be raised by the Undertakers they may from time to time— Additional capital.

(1) Raise any further sums not exceeding in the whole three thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by either of those modes respectively (in this Order referred to as "new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof as herein-after provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of three thousand pounds ;

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Bridge of Allan.

(2) Borrow on mortgage from time to time in respect of the new capital by this Order authorised to be raised by the issue of shares or stock any sum or sums not exceeding in the whole one fourth part of the amount payable in respect of such new capital at the time actually issued including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until shares or stock for so much of the new capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the sheriff who is to certify under the fortieth section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that such shares or stock and premiums (if any) have been fully paid up and upon production to such sheriff of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

New shares or stock to be offered by auction or tender.

8. The Undertakers shall when any shares or stock forming part of the new capital by this Order authorised are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

9. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares or stock so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares or stock sold to be paid within three months.

10. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

Notice to be given of sale of shares or stock.

11. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for

the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

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Bridge of Allan.

12. When any shares or stock created under the powers of this Order have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in manner provided by the Companies Clauses Act 1863 Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock forming part of the new capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserved price put upon such shares or stock may upon such second or any subsequent auction or tender (if the directors of the Undertakers think fit) be less than the nominal amount thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole amount of such shares or stock is sold.

Shares or stock not sold by auction or tender to be offered to shareholders.

13. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares or stock.

14. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such new capital as may be issued as preference capital.

Limit of dividends on new capital.

15. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary shares or stock of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividend on different classes of ordinary shares to be paid proportionately.

16. Except as is by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that new capital were part of the original capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital Provided that except as otherwise expressly provided by the resolution

Except as otherwise provided new shares or stock to be subject to same incidents as ordinary shares or stock.

A.D. 1897.

Bridge of Allan.

As to conversion of borrowed money into capital.

creating the same no person shall be entitled to vote in respect of any new share or stock to which a preferential dividend shall be assigned.

17. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage in respect of the new capital 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 Order unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Debenture stock.

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank *pari passu* without respect to the date of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were 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.

Priority of principal moneys secured by existing mortgages.

19. All mortgages granted by the Undertakers in pursuance of the powers of the Act of 1866 or the Order of 1872 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Act of 1866 or the Order of 1872 have priority over any mortgages granted by virtue of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

For the appointment of a judicial factor.

20. Section 9 of the Act of 1866 (for appointment of a judicial factor) shall be repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or any proceedings then pending and after the commencement of this Order the mortgagees of the Undertakers may enforce payment of arrears of interest or principal or of principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one-fifth part of the total amount for the time being owing by the Undertakers on mortgage.

Limit of interest on moneys borrowed.

21. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock in respect of the new capital under the authority of this Order.

Application of moneys.

22. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1866 the Order of 1872 and this Order to which capital is properly applicable.

Lands.

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Bridge of Allan.

Additional lands.

23. The Undertakers may by agreement purchase or feu and hold such of the lands shown on the deposited plans as they may require for the purposes of the undertaking and they may also by agreement purchase or feu and hold any other lands and any such servitudes easements rights and privileges (not being servitudes easements rights or privileges to take water in which persons other than the grantors have an interest) in over or affecting other lands adjoining thereto in the said parish of Logie which they may require for such purposes Provided always that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time hold for such purposes more than ten acres of land in addition to the lands held by them at the commencement of this Order and that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking.

24. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any servitude easement right or privilege (not being an easement or servitude right or privilege of water in which persons other than the grantors have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or other real burdens so far as the same are applicable in this behalf shall extend and apply to such grants or to such servitudes easements rights or privileges as aforesaid.

Persons under disability may grant easements &c. to Undertakers.

Construction of Waterworks.

25. The Undertakers may on the lands shown on the deposited plans and described in the Schedule annexed to this Order when the same have been acquired by them and so long as they are possessed of the said lands or so long as they may be entitled to possess the same under agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the new works herein-after described with all necessary engines tanks drains sluices gauges cuts adits culverts roads mains pipes machinery works appliances and conveniences connected therewith (that is to say) :—

Power to construct additional waterworks.

- (1) An extension and enlargement of the Undertakers Coxburn Reservoir by heightening the embankment and waste weir at the western or lower end thereof and by extending the boundaries of the reservoir so as to include therein portions of the surrounding and adjoining lands and thereby to increase the storage capacity thereof ;
- (2) Filter beds and works connected therewith including the conversion of the Undertakers present distributing pond or tank into a pure water tank situate on lands belonging to the Undertakers and lands adjoining thereto at or near the site of the said distributing pond or tank and near to Sunnyslaw farm standing on the lands of Westerton.

The said works will be wholly situate in the parish of Logie and county of Stirling.

26. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and vertically from the levels shown on the deposited sections to

Limits of deviation.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 Vict.]

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*Bridge of
Allan.*

any extent not exceeding three feet upwards or seven feet downwards Provided always that they shall not in the exercise of the said powers construct any embankment or retaining wall of the reservoir above mentioned of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition Provided also that no conduit or line of pipes shall be laid above the surface of the ground unless so shown on the deposited sections and then only to the extent so shown.

Undertakers
may store and
supply water.

27. The Undertakers may collect impound store and appropriate for the purposes of their undertaking such additional water from the streams called the Coxburn and the Wharrie Burn and the feeders and tributaries thereof respectively and from the lade and conduit or line of pipes by means of which water from the Wharrie Burn is conveyed to the said Coxburn Reservoir as may be intercepted by the works authorised by this Order and all such other waters and springs as may be found on in or under any lands for the time being belonging to or feued by the Undertakers.

Period for
completion
of works.

28. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided always that subject to the restrictions and provisions of this Order the Undertakers may at any time and from time to time lay down maintain alter remove and repair any mains valves syphons service pipes conduits culverts and other works and conveniences connected with the supply of water in such way and manner as they may deem requisite or advisable within the limits of supply.

New works to
form part of
existing under-
taking.

29. The said works authorised by this Order and the land inclosed thereby shall for all purposes including the levying of rates rents and charges form part of the undertaking of the Undertakers as if the same had been part of the undertaking and works authorised by the Act of 1866 and the Order of 1872.

Supply of
water to farms
on Keir estate.

30. For the purpose of providing a supply of water for domestic purposes and for horses and cattle on the farms of West Leys Cottenhaugh Moss and Netherton on the estate of Keir belonging or reputed to belong to Archibald Stirling of Keir the following provisions shall have effect (that is to say):—

- (1) The Undertakers shall provide and maintain in all time after the said Coxburn Reservoir shall have been heightened to any extent above the present level thereof under the powers conferred by this Order free of expense to the said Archibald Stirling his heirs and successors and his or their occupiers or tenants in the said farms an adequate water supply for domestic purposes and for horses and cattle on the said farms subject to the conditions set forth in the Act of 1866 and Acts incorporated therewith by means of pipes connecting with the existing main pipe of the Undertakers and extending to the radius of the farm house and farm steading on each of the said farms respectively;
- (2) For the purpose of giving such supply the Undertakers shall at their own expense extend and maintain their existing main pipes of sufficient size to maintain a proper supply of water to each of the said farm houses and farm steadings and lay all necessary pipes leading from the main pipes to each of the aforesaid farm houses together with their respective farm steadings and execute all other necessary works for the purposes of

the said supplies of water and each of such last-mentioned pipes connecting the main pipe with each of the said farm houses and farm steadings shall be a one-half inch pipe and such one-half inch pipe to each of the said farm houses together with their respective farm steadings shall after being laid by the Undertakers be maintained throughout by the said Archibald Stirling and his foresaids to the reasonable satisfaction of the Undertakers and the said Archibald Stirling and his foresaids and his occupiers and tenants in the said farms shall be put in as good a position as regards regularity of supply as any of the other parties supplied with water by the Undertakers;

A.D. 1897.
—
Bridge of Allan.

- (3) The said Archibald Stirling shall give to the Undertakers a right of wayleave for the laying of the said pipes through his lands free of expense to the Undertakers at such places as may be agreed upon between him or his factor and the Undertakers or their engineer and failing agreement as may be fixed and determined by a person to be named by the sheriff of the county of Stirling at the expense of the Undertakers.

31. Section forty-four of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom. Provided always that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

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

32. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of
Order.

SCHEDULE.

DESCRIPTION OF LANDS PROPOSED TO BE PURCHASED OR FEUED.

(1.) *Lands adjoining Coxburn Reservoir.*

All and whole those portions of ground in the parish of Logie and county of Stirling forming parts of the lands and estate of Airthrey belonging or reputed to belong to Donald Graham of Airthrey shown on the deposited plans lying on the north-east and south sides of and adjoining the Undertakers existing Coxburn Reservoir and extending in all to three acres and thirty decimal or one thousandth parts of an acre or thereabouts.

(2.) *Lands adjoining Distributing Pond or Tank.*

All and whole that piece of ground in the parish of Logie and county of Stirling forming part of the lands and estate of Westerton belonging or reputed to belong to the trustees of the late General Sir James Edward Alexander of Westerton shown on the deposited plans lying immediately to the north and west of the Undertakers lands upon which their distributing tank has been constructed at or near Sunnyslaw farm steading and extending in all to five hundred and fifteen decimal or one thousandth parts of an acre or thereabouts.

A.D. 1897. FRITH HILL GODALMING AND FARNCOMBE WATER.

*Frith Hill
Godalming
and Farn-
combe.*

Order empowering the Frith Hill Godalming and Farncombe Water Company Limited to construct additional Waterworks in the Parish of Godalming in the County of Surrey to raise additional Capital and other purposes.

Short title. 1. This Order may be cited as the Frith Hill Godalming and Farncombe Water Order 1897.

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

Construction of
Order. 3. The Frith Hill Godalming and Farncombe Water Order 1878 (in this Order referred to as "the Order of 1878") the Frith Hill Godalming and Farncombe Water Order 1886 (in this Order referred to as "the Order of 1886") the Frith Hill Godalming and Farncombe Water Order 1890 (in this Order referred to as "the Order of 1890") as amended by this Order and this Order shall be construed together as one Order except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Undertakers.

Undertakers. 4. The Frith Hill Godalming and Farncombe Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional
capital. 5. The limitation prescribed by the Order of 1886 with respect to the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising further share capital not exceeding twenty thousand pounds (in this Order referred to as "the new capital") for the purposes of the undertaking authorised by the Order of 1878 the Order of 1886 the Order of 1890 and this Order to which capital is properly applicable Provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole the sum of fifty-five thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament Provided also that the Undertakers shall not raise any new capital under the authority of this Order exceeding the sum of twenty thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order.

New shares to
be offered by
auction or
tender. 6. The Undertakers shall when any shares forming part of the new capital by this Order authorised are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at

[60 & 61 VICT.] *Water Orders Confirmation Act, 1897.* [Ch. clvi.]

such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserved price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

A.D. 1897.

*Frith Hill
Godalming
and Farn-
combe.*

7. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

When pro-
prietor
tenders same
amount as
any other
person pro-
prietor to be
declared the
purchaser.

8. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

Purchase
money of
shares to be
paid within
three months.

9. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

As to notice
to be given as
to sale of
shares.

10. When any shares have been offered for sale by auction or by tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the new capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserved price put upon such shares may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole amount of such shares or stock is sold.

Shares not
sold by
auction or
tender to be
offered to
shareholders.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 Vict.]

A.D. 1897.

*Frith Hill
Godalming
and Farn-
combe.*

Application of
premium
arising on issue
of shares.

Limits of
dividend on
capital.

Prescribed
rates to be
paid propor-
tionately.

Limit of
borrowing
powers.

Power to
acquire lands.

Persons under
disability
may grant
easements &c.
to Under-
takers.

11. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

12. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

13. In case in any year or in any half year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates of dividend on each class of ordinary shares of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

14. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

15. The Undertakers may by agreement purchase or take on lease and use any additional lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the grantors have an interest) in over or affecting any lands which they may require for the purposes of the undertaking Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for the purposes of this Order and the Orders of 1878 1886 and 1890 more than twelve acres of land in the whole.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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 or to such easements rights or privileges as aforesaid.

Works.

A.D. 1897.

*Frith Hill
Godalming
and Farn-
combe.*

Power to
construct
additional
waterworks.

17. In addition to the works which the Undertakers are by the Orders of 1878 1886 and 1890 authorised to construct and maintain the Undertakers may from time to time as they think fit on the lands belonging or reputed to belong to them shown on the plans deposited for the purposes of this Order make and so long as they continue possessed of the same maintain in the lines and according to the levels shown on the plans and sections deposited for the purposes of this Order the works herein-after described together with all necessary pipes mains culverts cuts drains wells tube-wells bore-holes dams tanks embankments sluices engines pumps filtering-beds meters machinery apparatus roads approaches and all works appliances and conveniences connected therewith.

The additional works authorised by this Order will be situate wholly in the parish of Godalming in the county of Surrey and are—

- (1) A pumping station well and reservoir or any one or more of them to be constructed on a nearly triangular piece of land belonging or reputed to belong to the Undertakers which piece of land is three acres or thereabouts in extent part of the land being the south-western portion of the field No. 481 and parts being portions of the field No. 478 on the Ordnance map of the parish of Godalming scale $\frac{1}{2500}$ 1872 edition and bounded on the south and west by a watercourse or ditch and by the remaining portions of the field No. 478 and on the east by Borough Road and on the north-east by the remaining portions of the said fields Nos. 481 and 478 and by Peperharow Road.
- (2) An aqueduct or line of pipes (No. 1) commencing at or near the point of junction of Nightingale Road with Chalk Road and thence passing in a westerly direction along Chalk Road and for a short distance along Borough Road to and terminating in the reservoir before mentioned.
- (3) An aqueduct or line of pipes (No. 2) wholly in Peperharow Road and the land herein-before described commencing at or near the junction of Sandy Road with Peperharow Road and terminating in the before-mentioned land by a junction with the aqueduct (No. 3) herein-after described.
- (4) An aqueduct or line of pipes (No. 3) wholly in Peperharow Road and the land herein-before described commencing by a junction with the existing line of pipes in that road at a point therein one hundred yards or thereabouts measured in a north-westerly direction along Peperharow Road from the junction of that road with Sandy Road and terminating in the reservoir before mentioned.

And the said works shall be deemed to be a part of the water undertaking authorised by the Orders of 1878 1886 and 1890 and the provisions of the said Orders shall (except where expressly varied by this Order) extend and apply to the said works in as full and complete a manner as if the same had been part of the works authorised by the said Orders of 1878 1886 and 1890 or one of them.

18. Subject to the provisions of this Order the Undertakers may from time to time for the purposes of the undertaking take collect impound in or by means of the works by this Order authorised to be made and maintained the

Power to take
water.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 Vict.]

A.D. 1897.

*Frith Hill
Godalming
and Farn-
combe.*

For the pro-
tection of the
London and
South Western
Railway
Company.

waters of any springs or streams which may from time to time be in on or under any lands for the time being belonging to the Undertakers.

19. For the protection of the London and South Western Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed between the railway company and the Undertakers apply and have effect viz. :—

(A) In laying down repairing or removing any mains pipes or conduits or executing any other works in the exercise of the powers contained in this Order over under or in any way affecting the South Western Railway or any bridge over that railway or any approaches to any such bridge the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the railway company and according to such plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto within the railway company's boundary and shall within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of the railway or bridge thereover or the introduction of side openings to such bridge 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 and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence.

(B) If any injury or damage or any interruption of the railway company's traffic arise from bursting or want of repair of any mains or pipes of the Undertakers the Undertakers shall forthwith make full compensation to the railway company in respect thereof.

(C) All mains pipes conduits and other works of the Undertakers under over or in any way affecting the South Western Railway or any bridge over the same or the approaches thereto shall be at all times maintained in good repair by the Undertakers 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 Undertakers require the Undertakers 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 Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the railway company may without any further notice to the Undertakers repair the same and all expenses properly incurred by them in or about such repair shall be repaid to them by the Undertakers Provided always that in case of accidents happening or immediate danger being apprehended

to the South Western Railway by reason of any such main pipe conduit or other work as aforesaid being in want of repairs the railway company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same if (in case of difference) decided by the arbitrator to have been immediately necessary shall be repaid as herein-before provided.

A.D. 1897.

Frith Hill
Godalming
and Farn-
combe.

(D) The Undertakers shall bear and on demand pay to the railway company all costs of the superintendence by them of the construction of the works and repairs thereof and all proper costs of watching lighting and protection of the railway with reference to and during such construction and repairs so far as such costs may be (in case of difference) decided by the arbitrator to have been necessary.

(E) Any difference which may arise between the railway company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the Board of Trade and the costs of such arbitration and of the parties shall be in the discretion of the arbitrator.

20. The Undertakers shall not take either directly or indirectly any water from the River Thames or the River Wey or from or in or under any land within 50 feet of those rivers without the consent in writing of the Conservators of the River Thames.

Undertakers
not to take
water from the
River Thames
&c. or from
land adjacent
thereto.

21. Notwithstanding anything contained in this Order it shall not be lawful for the Undertakers to supply water in bulk or otherwise for distribution or consumption outside the county of Surrey.

Water in bulk
not to be sup-
plied outside
county of
Surrey.

22. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of
Order.

GOSPORT WATER.

Order empowering the Gosport Waterworks Company to extend their Limits of Supply to construct additional Waterworks in the Parishes of Alverstoke and Rowner in the County of Southampton and to raise additional Capital.

Gosport.

1. This Order may be cited as the Gosport Water Order 1897.

Short title.

2. The Gosport Waterworks Act 1858 the Gosport Water Order 1872 and the Gosport Water Order 1883 (in this Order referred to as "the said Act and Orders") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction
of Order.

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

Commence-
ment of Order.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 Vict.]

A.D. 1897.

Gosport.
Incorporation
of Acts.

4. The Lands Clauses Acts (except the provisions of those Acts with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) the Waterworks Clauses Acts 1847 and 1863 and so far as the same relate to the powers conferred by this Order the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the several matters following (that is to say):—

The distribution of the capital of the company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the company against the shareholders ;

The borrowing of money by the company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The general meetings of the company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "company" shall mean the Undertakers.

Interpretation.

5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings Provided that the expression "superior court" or "court of competent jurisdiction" in any Act in whole or in part incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

In this Order the expression "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

Undertakers.

Undertakers.

6. The Gosport Waterworks Company incorporated by the Gosport Waterworks Act 1858 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Limits of Supply.

Extension of
limits of
supply.

7. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits all the like powers privileges and

authorities for or in relation to the supply of water and be subject to all the like duties and obligations in respect thereof as they now have and are subject to within the limits of the said Act and Orders and the expression "the limits of supply" in the said Act and Orders shall from and after the commencement of this Order be deemed to include such new limits. The said new limits are as follows:—

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Gosport.

That part of the parish of Rowner in the county of Southampton forming the site of the turnpike road leading from Fareham to Gosport in the said county and that part of the said parish lying to the east of the said turnpike road.

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

Where Undertakers not furnishing sufficient supply local authority or company may supply.

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

Additional Capital.

9. In addition to the capital already authorised to be raised by the Undertakers under the said Act and Orders (in this Order referred to as "the existing capital") they may from time to time—

New capital.

(1) Raise any further sums not exceeding in the whole twenty-four thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained on the sale thereof as herein-after provided has been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twenty-four thousand pounds; and

(2) Borrow on mortgage of the undertaking in respect of the new capital by this Order authorised to be raised any sums not exceeding in the

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whole one fourth part of the amount of the new capital at the time actually raised by the issue of shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premiums (if any) realised on the sale thereof shall have been fully paid up and the Undertakers 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 such shares or stock and premiums (if any) have been issued and fully paid up and upon production of the books of the Undertakers and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

10. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock 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 Order unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

11. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in the capital.

Restrictions as to votes in respect of preference shares or stock.

12. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock to be offered by auction or tender.

13. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than One hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount

14. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or

A.D. 1897.

tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock.

Gosport.
as any other person proprietor to be declared the purchaser.

15. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

16. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Notice to be given as to sale of shares and stock.

17. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner provided by the Companies Clauses Act 1863 Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any share or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Shares or stock not sold by auction or by tender to be offered to shareholders.

18. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares or stock.

19. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act or Order previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or Order or this Order or any subsequent Act or Order shall

Power to create debenture stock.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 Vict.]

A.D. 1897. (subject to the provisions of any subsequent Act or Order) rank *pari passu* without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were 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 such mortgages and certificates of debenture stock.

Existing mortgages to have priority.

20. All mortgages granted by the Undertakers under the authority of the said Act and Orders before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Act and Orders have priority over any mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

For the appointment of a receiver.

21. Section 12 of the Gosport Water Order 1883 (appointment of a receiver) shall be repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or any proceedings then pending and after the commencement of this Order the mortgagees of the Undertakers may enforce payment of arrears of interest or of principal or of 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-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

Limits of dividend on new capital.

22. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital.

Dividends on different classes of shares or stock to be paid proportionately.

23. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Limit of interest on moneys borrowed.

24. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Application of moneys.

25. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the said Act and Orders and this Order to which capital is properly applicable.

Lands.

Power to acquire lands.

26. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the

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

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Gosport.

27. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water) 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 or to such easements rights or privileges as aforesaid.

Persons under disability may grant easements &c. to the Undertakers.

Construction of Waterworks.

28. The Undertakers may on the lands shown on the deposited plans so long as they shall continue possessed of the same or so long as they may be entitled to do so under any agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the additional works herein-after described with all necessary pipes mains culverts cuts drains wells dams sluices engines pumps filtering-beds meters approaches embankments roads and all works and conveniences connected therewith.

Power to construct waterworks and supply water.

The additional works authorised by this Order will be situate wholly in the parishes of Alverstoke and Rowner in the county of Southampton and are:—

(A) A well and adits pumping station (Foxbury Pumping Station) tower and reservoir with engines pumps tanks and other works workmen's cottages buildings and fences connected therewith wholly in the parish of Alverstoke all to be situate in and upon the western corner of a field numbered 57 on the $\frac{1}{2500}$ Ordnance map of that parish 1878 edition and immediately adjoining the private roadway which leads from a junction with the Fareham and Gosport turnpike road to Foxbury Point.

(B) A conduit or line of pipes wholly in the parishes of Alverstoke and Rowner commencing in the parish of Alverstoke at the site of the said pumping-station and terminating in the parish of Alverstoke at the point of junction of Ann's Hill Lane with Privett Lane and Bury Road Gosport.

29. Subject to the provisions of this Order the Undertakers may from time to time for the purposes of the undertaking take collect and impound in or by means of the works by this Order authorised to be made and maintained respectively the waters of any springs or streams which may be in on or under any lands for the time being belonging to the Undertakers.

Power to take water.

30. In constructing the additional works authorised by this Order the Undertakers may subject to the provisions of this Order deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans

Limits of deviation.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 Vict.]

A.D. 1897. but in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards. Provided that no conduit or line of pipes shall be raised above the surface of the ground unless so shown on the deposited sections and then only to the extent so shown.

Gosport.

Period for completion of works.

31. The additional works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870. Provided that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery tanks wells pipes and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Differences with railway and other companies.

32. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Costs of Order.

33. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Newmarket.

NEWMARKET WATER.

Order empowering the Newmarket Waterworks Company Limited to raise additional Capital.

Short title.

1. This Order may be cited as the Newmarket Water Order 1897.

Commencement of Order.

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

Construction of Order.

3. The Newmarket Water Order 1883 and the Newmarket Water Order 1884 (in this Order referred to respectively as "the Order of 1883" and "the Order of 1884") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Undertakers.

4. The Newmarket Waterworks Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional capital.

5. Notwithstanding the limitation prescribed by the Order of 1883 with respect to the share capital of the Undertakers for the purposes of the undertaking the share capital of the Undertakers for the purposes of the undertaking

[60 & 61 Vict.] *Water Orders Confirmation Act, 1897.* [Ch. clvi.]

authorised by the Order of 1883 as amended by the Order of 1884 may consist of the share capital of twenty thousand pounds mentioned in the Order of 1883 and of additional share capital to be issued subject to the provisions of this Order not exceeding fifteen thousand pounds (herein-after referred to as "the new capital") including any premiums obtained on the sale of any shares under the provisions of this Order. Provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole the sum of thirty-five thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

6. The Undertakers shall when any shares or stock forming part of the new capital are issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders (as the case may be) and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

7. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares or stock so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

8. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

9. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders (as the case may be) and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

10. When any shares or stock have been offered for sale by auction or by tender under the provisions of this Order and not sold the same shall be offered

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Newmarket.

New shares to be offered by auction or tender.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

Purchase money of shares or stock to be paid within three months.

As to notice to be given as to sale of shares or stock.

Shares or stock not sold by auction or

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 Vict.]

A.D. 1897.

Newmarket.

tender to be
offered to
shareholders.

at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be by special resolution determined by the Undertakers Provided that any shares or stock so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock forming part of the new capital except that the reserved price put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole amount of such shares or stock is sold.

Application
of premium
arising on
issue of
shares or stock.

11. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage or otherwise by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of
dividend on
new capital.

12. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

Prescribed
rates to be
paid pro-
portionately.

13. In case in any year or in any half year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary shares of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Limit of
borrowing
powers.

14. The limitation imposed by section 7 of the Order of 1883 upon the amount of moneys to be borrowed by the Undertakers and secured upon their water undertaking is hereby repealed and the amount of all moneys borrowed by the Undertakers and secured by mortgage of their water undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Application of
moneys.

15. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Order of 1883 as amended by the Order of 1884 to which capital is properly applicable.

16. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

A.D. 1897.
Newmarket.
Costs of Order.

ROYSTON WATER.

Royston.

Order empowering the Royston Water Company Limited to maintain and continue Waterworks and to supply Water in the Parishes of North Royston South Bassingbourn South Kneesworth South Melbourn South Royston otherwise called Royston (Herts) and part of the Parish of Therfield in the County of Hertford.

1. This Order may be cited as the Royston Water Order 1897.

Short title.

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

Commence-
ment of
Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order and the said provisions of the said Waterworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Incorporation
of Acts.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings Provided that the expression "superior court" or "court of competent jurisdiction" in any Act in whole or in part incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute In this Order the expression "the county council" shall mean the county council of the administrative county of Hertford.

Interpretation.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of North Royston South Bassingbourn South Kneesworth South Melbourn South Royston otherwise called Royston (Herts) and such parts of the parish of Therfield as lie within the South Royston Special Drainage District in the rural district of Ashwell in the administrative county of Hertford.

Limits of
Order.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 Vict.]

A.D. 1897.

Royston.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

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

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

Undertakers.

Undertakers.

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

Capital.

Capital.

8. The share capital of the Undertakers for the purposes of the undertaking shall not exceed seven thousand five hundred pounds consisting of the share capital already raised by the Undertakers of two thousand five hundred pounds (in this Order referred to as "the original capital") and of additional share capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding five thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

9. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share of the Undertakers and whether the ordinary shares or ordinary stock in the capital of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserved price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided

that no priority of tender shall be allowed to any holder of shares of the Undertakers. A.D. 1897.

Royston.

10. When the amount bidden or tendered by the proprietor of any share of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

11. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

Purchase money of capital sold to be paid within three months.

12. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply.

Notice to be given of sale of shares.

13. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any share so offered and not accepted within the time prescribed shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital except that the reserved price put upon such shares may upon such second sale be a higher or lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and may (if the directors of the Undertakers think fit) be less than the nominal amount thereof and any shares not then sold shall be again offered to the holders of ordinary shares at the last-mentioned reserved price and so from time to time until the whole of such shares are sold.

Shares not sold by auction or tender to be offered to shareholders.

14. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares.

15. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than ten pounds in respect of every one hundred pounds actually paid up of such original capital

Limit of dividend on capital.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 Vict.]

A.D. 1897. and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

Royston.

Dividends on different classes of ordinary shares to be paid proportionately.

16. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary shares in the original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Borrowing powers.

17. The amount of all money borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

Power to acquire lands.

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

Persons under disability may grant easements &c. to Undertakers.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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 or to such easements rights or privileges as aforesaid.

Maintenance of Waterworks.

Power to maintain existing works and to supply water.

20. The Undertakers may on the lands upon which the same are situate so long as they are possessed of the said lands maintain and continue their existing waterworks herein-after described and may from time to time alter enlarge renew and improve the same together with all mains pipes machinery and other works connected therewith and necessary for the supply of water and they may subject to the provisions of this Order supply and sell water for domestic and other purposes within the limits of supply.

[60 & 61 VICT.] *Water Orders Confirmation Act, 1897.* [Ch. clvi.]

The existing works herein-before referred to are—

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- (1.) A pumping station engine house and wells with pumps and other works and conveniences connected therewith situate in Queen's Road otherwise called Water Street within the North Royston Special Drainage District and within the parish of South Kneesworth in the county of Hertford.
- (2.) Service reservoirs situate in the parish of Therfield in the county of Hertford on land belonging to the Undertakers.
- (3.) A conduit or line of pipes commencing at the well and pumping station aforesaid and terminating in the said service reservoir together with the mains distributing and service pipes machinery and other works in connexion with the undertaking of the Undertakers.

21. For the protection of main roads county bridges and approaches and other property of the county council be it enacted as follows :—

For the protection of main roads and bridges in the county of Hertford.

- (1.) No works affecting any main road or bridge or the culverts or drains in connexion with any main road or bridge belonging to or under the control of the county council or the approaches to any such bridge shall be constructed except in accordance with plans and specifications previously submitted to and signed by the surveyor for the time being of the county council and the said works shall be executed under the superintendence and to the reasonable satisfaction of the said county surveyor and such works shall be thereafter maintained by the Undertakers at their own expense and under such superintendence as aforesaid. Provided that if the said county surveyor fail to signify his approval or disapproval to the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved of the same.
- (2.) Not more than fifty yards in length of any trench made for laying the mains and pipes shall be open at one time where only one vehicle can pass or one hundred yards where two vehicles can pass at the same time.
- (3.) The main pipes shall be laid at such a depth that not less than two feet shall intervene between the surface of the highway and the top of such mains.
- (4.) Notwithstanding anything in this Act contained the Undertakers shall be responsible for and make good to the county council all costs losses damages and expenses which they may be put to or sustain by reason of the execution or failure of any of the intended works or of any act or omission of the Undertakers and the Undertakers will effectually indemnify and hold harmless the county council from all claims and demands upon or against them by reason of such execution or failures or of any such act or omission.
- (5.) The Undertakers shall pay to the county council all expenses actually incurred by the county council in superintending maintaining and repairing any road footpath or bridge which shall have been broken up for the purpose aforesaid or any of them during twelve months after the same is restored so far as those expenses have been occasioned by such breaking up.

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- (6.) If the county council shall at any time require the position or level of any mains distributing mains service pipes and other appurtenances of the Undertakers laid in or under any main roads or county bridge to be altered or the pipes relaid they may alter or relay the same at the expense of the Undertakers or if required by the county council the Undertakers shall at their own expense alter or relay the same in the manner and within the time required by the county council.
- (7.) The county council or their surveyor may from time to time appoint a proper person to superintend the carrying out of the foregoing provisions and the Undertakers shall from time to time upon the request in writing of the said surveyor pay to the county council a sum calculated at a rate not exceeding one pound ten shillings per week as wages for such person during the time that he superintends the work so being carried out and the Undertakers shall from time to time comply with and carry out all the reasonable orders and directions of such person.
- (8.) For the purposes of this section the term "main road" shall mean and include any main road at the time when the works affecting such main road are commenced under and within the meaning of section 11 of the Local Government Act 1888.
- (9.) Subject to the provisions and for the purposes of this Order the Undertakers and the county council may enter into and carry into effect agreements with reference to the execution by the Undertakers of any portion of the work in this section referred to.

Supply.

Limit of
pressure.

22. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the level of the reservoir or works from which the supply is taken.

Rates for sup-
ply of water
for domestic
purposes.

23. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes (which shall include waterclosets) at rates not exceeding the rates herein-after specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed seven pounds the sum of eight shillings and eightpence per annum;

Where such rateable value exceeds seven pounds at a rate per centum per annum not exceeding six pounds upon the rateable value of the tenement supplied;

and so in proportion for any shorter period. Provided that the Undertakers shall not be compellable to afford a supply of water for domestic purposes for any less period than twelve months. Provided also that the rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such valuation list then in force then by the last rate made for the relief of the

poor Provided also that where the water rate is chargeable on the rateable value of a part only of any tenement 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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Royston.

24. In addition to the foregoing charges the Undertakers may charge for every fixed bath not capable of containing more than fifty gallons a sum not exceeding ten shillings per annum for every fixed bath capable of containing more than fifty gallons such sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate Provided that the Undertakers shall not be compelled to supply water for any bath so constructed as to contain as usually filled for use more than fifty gallons.

Rates for
baths &c.

25. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply The said provisions are as follows :—

Power for
Undertakers
to make
regulations for
preventing
waste misuse
and contamina-
tion of water.

- (1.) The Undertakers 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 connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets 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.
- (2.) No such regulations shall be of any force or effect 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 shall have been given by or on behalf of the Undertakers 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 Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence 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 Undertakers 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

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Royston.

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 Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are 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 Undertakers 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 whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

Undertakers
may supply
water to road
and sewer
authorities.

26. The Undertakers may from time to time when required supply every road authority (including the county council) within the meaning of section 2 of the Gas and Water Works Facilities Act 1870 and every sewer and local authority within the limits of supply with water for watering roads and streets and for flushing sewers and drains or other public purposes for such remuneration (not exceeding the sum of ninepence per thousand gallons) and upon such terms and conditions as shall be agreed upon between the Undertakers and such road or sewer and local authority or as in case of disagreement shall be settled by a court of summary jurisdiction.

Supply of
water in bulk.

27. The Undertakers may from time to time by agreement supply any local authority or company authorised to supply water within any district situate outside the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply of water under any such agreement whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Water in bulk
or otherwise not
to be supplied

28. Notwithstanding anything contained in this Order it shall not be lawful for the Undertakers to supply water in bulk or otherwise for distribution or

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consumption or otherwise outside the administrative county of Hertford without the consent in writing of the county council first had and obtained.

Royston.
outside county
of Hertford.

29. Subject to the provisions of this Order the Undertakers may if they think fit enter into agreements for the supply of water within the limits of supply for other than domestic purposes on such terms and conditions as they think fit and may enter into agreements for the supply of water by measure within the limits of supply either for domestic or other purposes provided that such supply for other than domestic purposes does not interfere with the supply for domestic purposes and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Supply of
water by
agreement.

30. The Undertakers may from time to time by agreement supply the Right Honourable Henry Robert Viscount Hampden his heirs and assigns beyond the limits of supply with water in bulk for the purposes herein-after mentioned for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and the said Viscount Hampden his heirs and assigns Such supply shall be used only by the tenants of "The Eagle" public-house and two cottages adjacent thereto and of the Bursloes Farm the Heath Farm and the Flint Hall Farm or any parts thereof Provided that no such supply shall be afforded whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order And provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Supply of
water by
agreement to
Viscount
Hampden.

31. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their doing so such person shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Undertakers
to keep
meter, &c. in
repair.

32. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Register of
meters &c. to
be evidence.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 VICT.]

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Royston.
As to recovery
of charges for
supply of
water.

Power for
Undertakers to
supply
materials &c.

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

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

Supply of
water to
tenements
in a row.

Injuring
meters &c.

33. All charges due to the Undertakers under any agreement for the supply of water by measure or for other than domestic purposes may be recovered in all respects as water rates are recoverable and the Undertakers shall have in respect to such charges all such and the like powers and remedies as they for the time being have with respect to water rates.

34. The Undertakers may furnish to any person supplied or about to be supplied or any part of whose property or premises is supplied or is about to be supplied by them with water and may from time to time renew repair or alter any meters cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such work shall be paid by the person requiring the same.

35. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of the" owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom Provided that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

36. Where 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 Undertakers by a distinct pipe Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

37. Where there are several tenements in a row 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 Undertakers to any other such tenement unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

38. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained The existence of artificial means for causing

[60 & 61 Vict.] *Water Orders Confirmation Act, 1897.* [Ch clvi.]

such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

A.D. 1897.
Royston.

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

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

Miscellaneous.

40. In case any person supplied with water by the Undertakers leaves the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming
tenant not
liable to pay
arrears.

41. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums.

Several sums
in one sum-
mons.

42. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Warrant of
distress to
include costs.

43. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Liability to
water rate
not to dis-
qualify
justices &c.
from acting.

44. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

8 Vict. c. 16.
s. 140 incor-
porated

45. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of
Order.

A.D. 1897.

STEYNING AND DISTRICT WATER.

Steyning and District.

Order authorising the construction and maintenance of Waterworks and the supply of Water to the Town and Parish of Steyning and the Parishes of Bramber and Upper Beeding in the County of Sussex and for other purposes.

Short title.

1. This Order may be cited as the Steyning and District Water Order 1897.

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are except where the same are expressly varied by this Order hereby incorporated with and form part of this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings Provided always that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

In this Order—

The term "premises" shall mean and include any house building or land in to or through which water is supplied under the authority of this Order ; and

The expression "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order ;

The expression "the undertaking" shall mean the waterworks and the works connected therewith by this Order authorised to be constructed and maintained.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the town and parish of Steyning and the parishes of Bramber and Upper Beeding in the county of Sussex.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

5. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water

as if in either case there were no person authorised by this Order to supply water therein. A.D. 1897.

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

Undertakers.

6. William Powell Breach of Steyning John Ellman Brown of New Shoreham Edward Cripps of Steyning Dr. Thomas Fuller of Hove William Allin Hounsom of Aldrington and William Wallace Savage of Brighton all in the county of Sussex their executors administrators or assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

Provided that if the undertaking is at any time assigned to any other body company or person such body company or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board. Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Capital.

7. The capital of the Undertakers shall not for the purposes of the undertaking exceed eight thousand pounds consisting of the sum of six thousand pounds (in this Order referred to as "the original capital") and a further sum of two thousand pounds (in this Order referred to as "the additional capital") unless any increase thereto be hereafter authorised for such purposes by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. Capital.

8. The Undertakers shall not in any year make out of their profits any larger dividend on the said original and additional capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds of such original capital actually paid up to which no preferential dividend shall be assigned and seven pounds in respect of every one hundred pounds of such additional capital actually paid up to which no preferential dividend shall be assigned and six pounds in respect of every hundred pounds actually paid up of the capital of the Undertakers to which a preferential dividend shall be assigned. Provided that if and so long as the undertaking is carried on by an individual or individuals as Undertakers and not by a duly constituted company in the construction of this section the expression "actually paid up" shall be deemed to mean actually expended on or actually being used for the purposes of the undertaking. Limits of dividend on capital.

A.D. 1897.

*Steyning
and District.*

Limit of
borrowing
powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole two thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order and secured as aforesaid.

Lands.

Power to
acquire lands.

10. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the undertaking and they may by agreement from time to time purchase take on lease acquire and use any other lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the grantors have an interest) in over or affecting any lands which they may require for such purposes Provided always that they shall not at any time hold for such purposes more than three acres of land and that they shall not create or permit a nuisance on any lands held by them Provided also that no building shall be erected on such lands except such as are required for the purposes of the undertaking.

Persons under
disability
may grant
easements
&c. to Under-
takers.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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 or to such easements rights or privileges as aforesaid.

Construction of Waterworks.

Power to
construct
waterworks
and supply
water.

12. The Undertakers may make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works hereinafter described and other works conveniences and appliances connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

The works authorised by this Order will be situate in the county of Sussex and are as follows :—

- (1) A well and pumping station with pumping engines engine and boiler houses tanks adits borings and other works buildings and conveniences to be situated on a piece of land in the parish of Steyning situate between Newham Lane and Steyning Bostal Road.
- (2) A service reservoir or tank to be situated in the same parish on a piece of land abutting upon the northern side of the Bostal Road six chains or thereabouts north-eastward of the Lime Kilns.
- (3) A conduit or pumping main (No. 1) in the said parish of Steyning commencing at the said well and pumping station and terminating in the service reservoir or tank before described.
- (4) A conduit or line of pipes (No. 2) commencing at the said service reservoir or tank thence passing along and under Bostal Road and the

[60 & 61 VICT.] *Water Orders Confirmation Act, 1897.* [Ch. clvi.]

Bramber and Upper Beeding Road in the parishes of Steyning Bramber and Upper Beeding and terminating in the last-mentioned road at or opposite the "Rising Sun" public-house.

A.D. 1897.
—
*Steyning
and District.*

- (5) A conduit or line of pipes (No. 3) wholly in the parish of Steyning commencing by a junction with the conduit or line of pipes No. 2 lastly before described at or near the intersection of the Bostal Road by the Bramber Road thence passing along and under High Street Steyning and terminating in that street at or opposite the "George Inn."

All necessary excavations drains pipes of distribution and other pipes culverts valves and other works conveniences and appliances connected with or incidental to the conduits or lines of pipes before described and the supply of water to the town and parish of Steyning and the parishes and places of Bramber and Upper Beeding in the county of Sussex.

13. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or seven feet downwards Provided that no conduit or pipe shall be laid so that any part of it shall be within two feet of the surface of any road maintained by the county council for the county of West Sussex (herein-after referred to as "the county council") Provided also that a conduit or line of pipes where the same is not laid in or under any road as aforesaid shall not be raised above the surface of the ground unless so shown on the deposited sections and then only to the extent so shown.

Power to
deviate.

14. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided always that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge deepen and extend their water mains pipes tanks filters buildings and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Period for
completion of
works.

15. The Undertakers shall cause notice to be given to the surveyor of the county of West Sussex ten days before they construct any works or lay down any pipes in connexion with their works on or within one hundred feet of either side of any of the bridges for the repairs of which the county council are liable and the construction of such works and the laying down of such pipes as aforesaid shall be subject to the direction and approval of the surveyor for the time being of the said county Provided that no conduit or pipe shall be laid so that any part of it shall be within two feet of the surface of any road maintained by the county council.

As to works
affecting
county bridges.

16. For the protection of the London Brighton and South Coast Railway Company (herein-after referred to as "the Brighton Company") the following provisions shall have effect:—

For the pro-
tection of the
London
Brighton
and South
Coast Railway
Company.

- (a.) In laying down altering repairing or removing any mains pipes or conduits or executing any other works in exercise of the powers contained in this Order upon across over or under or in any way affecting the railway

A.D. 1897.

*Steyning
and District.*

and works of the Brighton Company in the parishes of Steyning Bramber and Upper Beeding the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Brighton Company and according to such plans and in such manner as shall be previously submitted to and approved by him in writing or in the event of disapproval then in such manner as shall be determined by arbitration in manner herein-after provided.

(b.) All such works shall be done by and at the expense of the Undertakers who shall also restore and make good to the reasonable satisfaction of the said engineer any portion of the said railways of the Brighton Company which may be interfered with and all such works shall be carried out so as to cause as little injury as may be to such railways and so as not to cause any interference with the passage or conduct of traffic thereover Provided nevertheless that if the engineer of the Brighton Company shall think it necessary for the safety of the railway that any works of the Undertakers over under or in any way affecting the railway and works of the Brighton Company should be done or carried out by the Brighton Company and shall notify such desire to the Undertakers any such works shall be done or carried out by the Brighton Company at the cost of the Undertakers.

(c.) The Undertakers shall bear and on demand pay to the Brighton Company all costs of the superintendence by their engineer of the construction maintenance and renewal of the mains pipes conduits and other works of the Undertakers over or under or in any way affecting the railways and works of the Brighton Company when the same are done or carried out by the Undertakers and all proper costs of watching lighting and protection of the said railway during such construction maintenance and renewal but such superintendence by the Brighton Company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractors agents and workmen.

(d.) If any injury or interruption of traffic shall arise from or be in any way owing to any of the works of the Undertakers or to the bursting leakage or failure of any such mains pipes conduits or works the Undertakers shall make full compensation to the Brighton Company in respect thereof.

(e.) The Undertakers shall only be entitled to acquire such an easement across over or under any of the railways and property of the Brighton Company as may be necessary for the construction and maintenance of their works.

(f.) The Brighton Company may at any time or times hereafter upon giving to the Undertakers seven days notice thereof in writing signed by their said engineer and delivered at the principal office of the Undertakers divert or alter the level of any main pipe or conduit of the Undertakers passing over or under or in any way affecting the railway and works of the Brighton Company so as to admit of any repairs alterations or extensions of their railway and works which they may think necessary without being liable to pay compensation in respect thereof.

(g.) Any dispute or difference which may arise between the Undertakers and the Brighton Company with reference to the provisions of this section or in any way arising thereout or to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Undertakers and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of either party and the costs of such arbitration shall be in the discretion of the arbitrator.

A.D. 1897.
*Steyping
and District.*

17. If any difference arise between the Undertakers and any railway canal or other company (other than the Brighton Company) whose land or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

As to pipes
crossing the
works of
a railway
or other
company.

Supply.

18. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or works authorised by this Order.

Limits of
pressure.

19. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include waterclosets) furnish to such owner or occupier a sufficient supply of water for domestic purposes at a rate per centum per annum not exceeding seven pounds ten shillings on the rateable value of any such dwelling-house or part of a dwelling-house and so in proportion for any shorter period than a year Provided always that the Undertakers shall not be obliged to furnish any such supply for any less sum than ten shillings in any one year when paid in advance or twelve shillings when in arrear except that cottages of a rateable value not exceeding five pounds per annum shall be supplied for the sum of twopence a week.

Rates for
supply for
domestic
purposes.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues or if there is no such list then 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 premises 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.

20. The Undertakers may charge in respect of every bath an additional sum not exceeding ten shillings per annum and such additional sum may be received with and as part of and recovered by the same means as the rate for the supply of water for domestic purposes Provided always that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths.

Rates for
baths.

A.D. 1897.

—
*Steyning
and District.*
Regulations
for preventing
waste &c. of
water.

21. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply The said provisions are as follows:—

- (1.) The Undertakers 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 connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets 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.
- (2.) No such regulations shall be of any force or effect unless and till 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 shall have been given by or on behalf of the Undertakers 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 Undertakers and all persons may at reasonable times inspect such copy without payment and the Undertakers 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 twopence for each copy.
- (5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be signed by not less than two of the Undertakers 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 Undertakers may if they think fit after twenty-four hours notice in writing given by or on behalf of the Undertakers 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 watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

(7.) Any person who shall offend against any of such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers 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 whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

A.D. 1897.
Steyning
and District.

22. The Undertakers may from time to time by agreement supply any local board sanitary authority company or person within or without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such local board sanitary authority company or person but notwithstanding any such agreement no such local board sanitary authority company or person shall be entitled to a supply under such agreement whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes within the limits of supply under the provisions of this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing. Provided always that nothing herein contained shall be construed as conferring upon the Undertakers any power in relation to laying down or placing any pipe or conduit or breaking up any road or street or executing any work in any district beyond the limits of supply without the consent in writing of the local authority and road authority of such district or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Water supplied
by agreement.

Provided also that the Undertakers shall not supply water in bulk or otherwise within or for use or distribution within the district within which the mayor aldermen and burgesses of the borough of Brighton are for the time being authorised to supply water without the previous consent in writing of the said mayor aldermen and burgesses under their common seal.

23. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any company or person within the limits of supply and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or other instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rent.

Supply of
water by
measure.

24. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any company or person in proper order for correctly registering the supply of water and in default of their so doing such company or person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Undertakers
to keep
meters &c.
in repair.

25. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity

Register of
meters &c. to
be evidence.

[Ch. clvi.] *Water Orders Confirmation Act, 1897.* [60 & 61 VICT.]

A.D. 1897.
—
*Steynning
and District.*

of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers Provided always that if the Undertakers and the company or person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such justices shall be final and binding on all parties.

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

26. Section forty-four of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom Provided always that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

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

27. 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 rents 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 waterworks of the Undertakers by a distinct pipe Provided always that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless water rent is paid for the whole of such dwelling-house and premises.

Supply of
water to
tenements in
a row.

28. Where there are several tenements in a row 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 Undertakers to any other of such tenements unless the tenant or occupier so taking or using the water be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring
meters.

29. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

A.D. 1897.

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

Steyning and District.

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

Miscellaneous.

31. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rent or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable to pay arrears.

32. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several names and several sums.

Several names in one summons.

33. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress to include costs.

34. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rent or other charge under this Order.

Liability to water rent not to disqualify justices from acting.

35. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

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