

[60 & 61 Vict.] *Saint Neot's Water Act, 1897.* [Ch. clxxxvi.]



CHAPTER clxxxvi.

An Act for supplying with water the parishes of Saint Neot's and Eynesbury in the county of Huntingdon. A.D. 1897.

[6th August 1897.]

WHEREAS there is no proper or adequate supply of water to the urban district of Saint Neot's and adjacent parishes in the county of Huntingdon :

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

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and the lands which may be taken for the purposes thereof and also a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Huntingdon and are herein-after respectively referred to as the deposited plans sections and book of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited for all purposes as the Saint Neot's Water Act 1897. Short title.

[Price 1s. 3d.]

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Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act namely The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the former Act "with the consent in writing of the " owner or reputed owner of any such house or of the agent of such " owner").

Interpretation.

3. In this Act the several words and expressions herein-after mentioned have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings ;

The expression "the Company" means the Company incorporated by this Act ;

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

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

Company incorporated.

4. James Farquharson Remnant Charles Hibbert Binney and Frank Pearn and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the waterworks and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Saint Neot's Water Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

5. The limits of this Act for the supply of water shall be the urban district of Saint Neot's and the parishes of Eynesbury Hardwicke and Saint Neot's Rural in the county of Huntingdon.

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Limits of
Act.

6. If at any time after the expiration of three years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient and constant supply of water in accordance with the provisions of this Act 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 not sufficiently supplied by the Company as if in either case there were no company authorised by this Act to supply water therein.

Power
to local
authority
to supply
water in case
Company
fails to
supply.

If any difference shall arise between the Company 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.

7. The Company shall be established for the purpose of making and maintaining the waterworks and for supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and generally for carrying the powers of this Act into execution.

General
purposes
of the Com-
pany.

8. The capital of the Company shall be nine thousand pounds in nine hundred shares of ten pounds each.

Capital.

9. Except as otherwise expressly provided by this Act the Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Shares not
to be issued
until one
fifth paid up.

10. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole one fourth part of the amount of the capital by this Act authorised and at the time of such borrowing actually issued by shares but no part thereof shall be borrowed until the whole of the shares at the time issued shall have been fully paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that such shares have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof

Power to
borrow.

A.D. 1897. — aforesaid has been given which certificate shall be sufficient evidence thereof. Provided that the Company shall not exercise their power to borrow until one third of the share capital of nine thousand pounds has been issued and fully paid up.

Calls. 11. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls.

For appointment of a receiver. 12. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Receipt in case of persons not sui juris. 13. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge of the Company.

Debenture stock. 14. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock. 15. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on the debenture stock created and issued under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against the Company in respect of any rentcharge granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or for land taken used or occupied by the Company for the purposes of their undertaking or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

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

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

First
ordinary
meeting.

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

Number of
directors.

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

Qualification
of directors.

20. The quorum of a meeting of directors shall be three.

Quorum.

21. James Farquharson Remnant Thomas Addyman Charles Hibbert Binney and any two other persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First
directors.

Election of
directors.

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

Auditors
need not
hold shares.

23. No person shall be disqualified as a director by being a member of any county urban or rural district council within the limits of this Act or justice of the peace for the division within which the works may be situate and no shareholder of the Company shall be disqualified as such member by reason of any contract between the Company and the council Provided always that no member who is a director or shareholder or holder of debenture stock shall act or vote at any meeting of such council on any question or with reference to any matter in which such director or shareholder has direct or indirect interest as a shareholder.

Directors
not to be
disqualified
by being
members of
county or
other coun-
cils.

24. Subject to the provisions of this Act the Company may make and maintain in the lines or situations and according to the levels shown on the said deposited plans and sections the pumping

Power to
make works.

A.D. 1897. — stations wells or shafts conduits or lines of pipes service reservoirs alterations deviations diversions and other works shown on the said deposited plans among which are comprised the following namely:—

- (1) A well or wells and pumping station to be constructed in the parish of Eynesbury in a field near the River Ouse:
- (2) A well or wells and pumping station to be constructed in the parish of Eynesbury in a field adjoining the road from Eynesbury to Little Barford:
- (3) A covered service reservoir situate in the parish of Eynesbury in a field adjoining the road from Eynesbury to Potton:
- (4) A conduit or line of pipes (No. 1) commencing at or in the said well or work (No. 1) and terminating at or in the said well or work (No. 2):
- (5) A conduit or line of pipes (No. 2) commencing at or in the well or work (No. 2) and terminating at or in the said reservoir:

Together with all proper wells shafts drifts adits engines pumps machinery buildings pipes conduits sluices stand pipes tanks embankments culverts drains approaches and other works and conveniences ancillary or subsidiary thereto or connected therewith and may enter upon take and use such of the lands described in the deposited plans and book of reference as they may require for the purposes of this Act and may take use and appropriate for the purposes of the works and undertaking of the Company all waters found in on or under any of the lands for the time being belonging to the Company.

In the construction of works numbered (1) and (2) the Company shall make such embankments around those works as may be necessary to protect the site from flood waters so that the top of such embankments shall be not lower than fifty-six feet above ordnance datum.

The said works numbered (1) and (2) shall be situate at least one hundred and fifty yards measured in a straight line from the River Ouse or any backwater thereof and no adit or tunnel for obtaining water shall be situate nearer the said river unless the Local Government Board (who are hereby empowered to give their consent) otherwise allow.

Limits of lateral and vertical deviation.

25. In constructing the works authorised by this Act the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of the lands authorised to be taken under the powers of this Act and may deviate vertically from the levels shown on the deposited sections in the case of the service reservoir to any extent not exceeding three

feet upwards or five feet downwards and in the case of any other work to an extent not exceeding six feet upwards or seven feet downwards Provided that when any work is to be made on any road the limits of lateral deviation if not otherwise laid down shall be the boundaries of such road and no pipe or main shall be laid above the surface of any road unless so shown on the deposited plans.

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

Period for the compulsory purchase of lands.

27. The works hereby authorised shall be completed within three years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for making the said works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed Provided always that subject to the restrictions and provisions of this Act the Company may from time to time alter renew enlarge and extend their engines machinery tanks wells shafts adits pipes and other works in such way and manner as they may think requisite or advisable for supplying water within the limits of this Act.

Period for the completion of works.

28. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which the parties other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Power to owners to grant easements &c.

29. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purpose of preventing the fouling of the water of any spring or stream directly or indirectly connected with the water supply of the Company and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole fifty acres in extent or any easement (not being an easement or right of water in which other parties than the grantors have an interest) in over or under any such lands Provided that the Company shall not upon any such lands create or permit any nuisance and that no buildings shall be erected on such lands except such as are required for or are connected with the purposes of the Company's waterworks.

Purchase of lands by agreement.

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Restriction
on taking
houses of
labouring
class.

30. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December next before the passing of this Act were occupied either wholly or partly 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 such persons who may be residing with them.

As to laying
of pipes &c.
in district
of Saint
Neot's Urban
Council.

31.—(1) All works to be constructed or laid in along or across or in any way affecting any public road bridge or any approach thereto shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the surveyor to the urban district council of Saint Neot's (in this section referred to as the council) and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof.

(2) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any such road or bridge or any approach thereto.

(3) Notwithstanding anything in this Act contained it shall be lawful for the council at any time or times to divert or improve any such road and also to remove alter or renew any such road bridge or the approaches thereto in alongside or near to which any such conduit main or line of pipes is carried in the same manner as they might have diverted or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and such conduit main or line of pipes had not been constructed or laid in alongside or near to such road or bridge respectively without making any compensation to the Company for any expense or loss to which the Company may be put in consequence of such diversion improvement removal alteration or renewal And in the event of any such road or bridge or the approaches thereto in alongside or near to which the conduit main

or line of pipes is laid being diverted or improved removed altered A.D. 1897.
or renewed as aforesaid the Company shall at their own expense
alter the position of the works by which such conduit main or line
of pipes is carried alongside or near to any such main road or
bridge or the approaches thereto as aforesaid and replace the same
to the satisfaction of the said surveyor of the council Provided
that before and during such diversion improvement removal
alteration or renewal of any such main road or bridge as aforesaid
the council shall afford all reasonable facilities for temporarily
carrying such conduit main or line of pipes along the road or bridge
so as not to interrupt the continuous supply of water.

(4) If any difference arise between the Company and the council
touching this section or anything to be done or not to be done
thereunder such difference shall be settled by an engineer to be
appointed by the Local Government Board on the application of
either of the parties in difference and his decision shall be conclusive
and the costs of the reference shall be borne as he shall direct.

32. In constructing and maintaining the works authorised by
this Act where they will cross under or over the Great Northern
Railway the Company shall be subject to the following conditions
viz. :—

For pro-
tection of
the Great
Northern
Railway
Company.

- (1) All works crossing or otherwise interfering with the Great
Northern Railway shall be executed at the expense of the
Company under the superintendence and to the reasonable
satisfaction of the engineer-in-chief for the time being of the
Great Northern Railway Company and according to plans and
specifications to be previously submitted to such engineer and
approved by him in writing Provided that if such engineer
shall not have expressed his approval or disapproval of the
said plans and specifications within one month after the same
shall have been submitted to him he shall be deemed to have
approved thereof :
- (2) The works shall be constructed and maintained so that the
traffic upon the Great Northern Railway shall not be in any
wise impeded or interfered with and such construction and
maintenance shall be effected under the superintendence and
to the satisfaction of the said engineer of the Great Northern
Railway Company and in all things at the expense of the
Company :
- (3) If by reason of the construction or maintenance of the works
or any of them or the failure of any of the works or the
maintenance thereof or otherwise the Great Northern Railway
or the works connected therewith shall be injured or the traffic
thereon impeded the Company shall compensate the Great

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Northern Railway Company for all costs to which that Company may be put in repairing the said damage :

(4) The Company shall also indemnify the Great Northern Railway Company for any damage caused to their railway or works or compensation which may be recovered against them by reason of the interruption of the traffic on their railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the Company or any of their contractors or their respective servants or workmen :

(5) The Company shall not acquire any estate or interest in the lands and property of the Great Northern Railway Company other than an easement or right of constructing or maintaining thereon the works by this Act authorised :

(6) The amount to be paid for the acquisition of such easement shall be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

Saving
rights of
Ouse Navi-
gation Com-
missioners.

33. Nothing in this Act contained shall authorise the Company to take water from the River Ouse or to make do or execute or cause to be made done or executed any act work or thing whatsoever which shall occasion any detriment prejudice or hindrance to the navigation of the River Ouse or in any way prejudice or affect any right power authority privilege or jurisdiction conferred by an Act of the 16th and 17th years of King Charles the Second intituled " An Act for making diverse rivers navigable or otherwise passable for boats barges and other vessels."

Filtration.

34. If at any time after the Company commence to supply water it is proved to the satisfaction of an engineer to be appointed for the purpose of this section by the Local Government Board that it is necessary for the due supply of pure water within the limits of supply that the undertakers should construct and use filter beds the Local Government Board may make an order to be signed by the secretary or assistant secretary of the said Board requiring the undertakers to construct such filter beds and the undertakers shall forthwith comply with such order and construct and use such filter beds in such manner and within such time as may be prescribed in such order.

Constant
pressure.

35. Water supplied under this Act need not be supplied in any case at a level above that at which water can be supplied by gravitation from the service reservoir by this Act authorised.

Rates at
which water
is to be

36. The Company shall on the application of any person who under the provisions of this Act shall be entitled to demand a

supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes at rates and charges according to the rateable value of his dwelling-house or part of a dwelling-house not exceeding the following (that is to say):—

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—
supplied for
domestic
purposes.

Where the rateable value of the premises so supplied with water does not exceed five pounds per annum the sum of two pence per week ;

Where the rateable value exceeds five pounds but does not exceed seven pounds and ten shillings per annum the sum of three pence per week ;

Where the rateable value exceeds seven pounds and ten shillings but does not exceed ten pounds per annum the sum of four pence per week ;

Where the rateable value exceeds ten pounds but does not exceed twenty pounds at a rate per annum not exceeding nine per centum of such rateable value ;

Where the rateable value exceeds twenty pounds but does not exceed forty pounds at a rate per annum not exceeding eight per centum of such rateable value ;

Where the rateable value exceeds forty pounds at a rate per annum not exceeding seven pounds per centum of such rateable value :

Provided as follows:—

The Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable :

Owners compounding for the payment of rates in respect of a supply for domestic purposes to three or more houses whether occupied or not shall be allowed an abatement of twenty per centum on the rates hereby prescribed :

All inns and hotels whether public or private the rateable value of which exceeds five pounds shall be liable to a yearly rate not exceeding nine pounds per centum :

When the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of a dispute to be determined by two justices :

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

Rates for
waterclosets
and baths.

37. In addition to the rates computed as above specified the Company may charge for a second watercloset the sum of five shillings per annum and for any private bath in any private dwelling-house or part of such private dwelling-house or appurtenant thereto the sum of ten shillings per annum. Provided that such bath shall not contain when usually filled for use more than fifty gallons of water.

Penalty
for using
water for
other than
domestic
purposes.

38. In addition to and without prejudice to the provisions in this Act contained with regard to the misuse of water supplied by the Company no person supplied by the Company with water for domestic purposes shall use such water or suffer the same to be used for the purpose of affording power to or in connexion with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding forty shillings.

Charges for
supply of
water for
other than
domestic
purposes.

39. The Company may supply water within the limits of this Act for purposes other than domestic purposes by meter or otherwise and on such terms pecuniary or otherwise and conditions as shall be agreed on between the Company and the person requiring the supply and the moneys payable for the supply shall be water rates and recoverable accordingly. Provided that the Company shall not be bound to supply water otherwise than by measure to any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required. Provided also that the price to be charged shall not exceed one shilling and sixpence per thousand gallons with a minimum payment of six shillings per quarter.

Contracts
for supply-
ing water
for public
purposes.

40. The Company may enter into and carry into effect any contract or arrangement with the urban district council of Saint Neot's and any other local authorities corporations and other public bodies and the authorities of any parish or public institution for the supply of water by the Company in bulk or otherwise for the purposes mentioned in section thirty-seven of the Waterworks Clauses Act 1847 and for other public purposes and also for the supply of fountains or for any ornamental purposes within the limits of this Act. Provided that the powers of this section shall not be exercised within the limits of any local authority or of any company now or hereafter authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply water without the consent

in writing of such authority or company Provided that the price to be charged shall not exceed one shilling per thousand gallons for a supply of water for public purposes of not less than six thousand gallons per quarter.

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

Where several houses supplied by one pipe each to pay.

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

Penalty for misuser of water by tenant of one of several tenements in a row.

43. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from rent from time to time due from him to the owner.

Rate payable by owners for small houses.

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

Regulations for preventing waste &c. of water.

(1) The Company may 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 except within such parts of the district as the Company is bound to supply and does in fact supply or is prepared to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :

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

Power to
sell or let
meters.

45. The Company may from time to time sell and dispose of meters or let meters on hire and may charge a rent for each meter at a rate per annum not exceeding fifteen per centum of the price of such meter such rent to be paid quarterly in advance and recoverable with and as a water rate.

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

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

47. The Company shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Company 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.

Company to keep meters in repair.

48. Where the Company supply water 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 rent is charged and sought to be recovered by the Company. Provided always that if the Company and the consumer 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.

Register of meters to be evidence.

49. The Company's manager or other person duly appointed for the purpose by the Company may between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water by the Company and inspect the meter pipes fittings and apparatus for regulating the supply of water and see whether they are in good repair and if such manager or other person at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Company's officer to enter buildings.

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

Power for Company to supply materials.

51. All service pipes and fittings and all fittings connected with any service pipe to communicate with the mains and pipes of the

Service pipes.

A.D. 1897. Company which shall be provided by any person shall be placed and removed under the superintendence of the Company and at the expense of such person.

Power to
remove
meters and
fittings.

52. The Company by their agents or workmen after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Company is laid and fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Notice to
Company
putting up
meters.

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

Injuring
meters.

54. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fittings belonging to the Company or who fraudulently alters the index to any meter or prevents any meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence forfeit and pay to the Company a sum not exceeding five pounds and the Company 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 Company when such pipe meter 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 meter.

For prevent-
ing frauds
and waste
of water.

55. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and

the remedies of the Company under this enactment shall be in addition to their other remedies in such cases. A.D. 1897.

56. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the principal office for the time being of the Company. Notice of discontinuance.

57. In case any consumer of water supplied by the Company leave the premises where such water has been supplied to him without paying to them the water rate or meter rate due from him the Company 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 for arrears of former tenant.

58. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums. Several sums in one summons or warrant.

59. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate under this Act. Justices not disqualified for liability to water rates.

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

61. From and after the passing of this Act the East Huntingdonshire Water Act 1887 shall be read as if the names of the parishes or townships of Eynesbury and Saint Neot's had been omitted from section 4 of that Act and the East Huntingdonshire Water Company shall not supply water within the limits prescribed by this Act. Repeal of East Huntingdonshire Water Act so far as regards Eynesbury and St. Neot's.

62. If the urban district council of Saint Neot's shall within two years after the completion of the works by writing under their common seal addressed and sent to the secretary or delivered at the principal office of the Company require the Company to sell the Company shall thereupon sell free from incumbrances and the district council shall with the consent of the Local Government Board purchase from the Company all their undertaking property rights powers and privileges as the same exist at the time of the delivery of such notice for such price being a sum in gross as shall be mutually agreed upon and if any difference shall arise in carrying into effect the provisions of this section the same shall be settled by arbitration in accordance with the provisions of the Lands Clauses Acts provided that such price shall not be less than the actual sum reasonably expended by the Company Provided always that at any

A.D. 1897. — time after the completion of such purchase and transfer the district council shall when so required by any other local authority authorised to supply water within their district sell to such local authority all water pipes fittings and other waterworks apparatus belonging to the district council (other than such pipes fittings and other apparatus as may be required for the supply of any other portion of the district council's limits of supply and other than any of the waterworks herein-before described and by this Act authorised to be conducted) which shall at such time be laid or lie in the district of such local authority at such price and upon and subject to such terms and conditions as may be settled by agreement between the district council and such local authority or failing agreement as may be determined by an arbitrator to be appointed by the Local Government Board on the application of either party and after such sale the powers of the district council to distribute water within the district of such local authority shall cease and all moneys received by the district council in respect of any such sale shall be applied in repayment of the moneys borrowed by them under this Act.

When water-works are vested in district council powers of Company to be executed by them.

63. Immediately upon the undertaking becoming vested in the district council under the provisions herein-before contained all the powers authorities regulations and provisions contained in this Act shall be extended to and vested in the district council and be exercised and put in force by or against the district council in the same manner as if they had throughout this Act been named instead of the Company. Provided that the powers of the Company by this Act vested in the district council shall not comprise any of their powers with respect to general meetings or with respect to directors or with respect to the management of the internal affairs of the Company or with respect to the raising of money by shares or by borrowing or with respect to the amount of profit to be received by the undertakers when the works are carried on for their benefit.

Costs of Act. **64.** All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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