



CHAP. 113.

An Act to amend “The Metropolis Water Act, 1852;” and to make further provision for the due Supply of Water to the Metropolis and certain places in the neighbourhood thereof. A.D. 1871.
[21st August 1871.]

WHEREAS it is expedient to amend “The Metropolis Water Act, 1852;” and to make further provision for securing to the metropolis and to certain places in the neighbourhood thereof a constant supply of pure and wholesome water: 15 & 16 Vict.
c. 84.
(Public.)

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:

Preliminary.

1. This Act may be cited for all purposes as “The Metropolis Water Act, 1871.” Short title.

2. This Act and the Metropolis Water Act, 1852, as the same is amended by this Act, shall be read and construed together as one Act. This and
recited Act
to be as one.

3. In this Act,—

The expression “the metropolis” shall mean the metropolis as defined by the Metropolis Management Act, 1855: Interpre-
tation of
terms.

The term “Company” shall mean and include any of the companies following; that is to say,—

The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called “The New River Company;”

The East London Waterworks;

The Southwark and Vauxhall Water Company;

The Company of Proprietors of the West Middlesex Waterworks Company;

The Company of Proprietors of Lambeth Waterworks;

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The Governor and Company of Chelsea Waterworks ;
 The Grand Junction Waterworks Company ;
 The Company of Proprietors of the Kent Waterworks ;
 and also any other corporation, company, board, commissioners, association, person, persons, or partnership, for the time being supplying water for domestic use within the limits of this Act :

The term "person" shall include a corporation aggregate or sole :
 The expression "water limits" in relation to a Company shall mean such parts of the limits within which such Company is authorised to supply water as are within the limits of this Act :

The expression "the special Act" in relation to a Company shall mean and include every and any Act of Parliament relating to such Company :

The expression "metropolitan authority" shall mean, in the places specified in the table in the Schedule (A.) to this Act annexed, the bodies or persons named in the same table :

The term "district" shall mean the area selected for the purpose of constant supply, such area being within the jurisdiction of a metropolitan authority, and also within the water limits of a Company, and being coterminous with some one or more services of such Company :

The term "premises" shall mean and include any dwelling-house and any part of a dwelling-house, and any stable, yard, or other offices used together or in connexion with any dwelling-house or any part of a dwelling-house :

The term "prescribed" shall mean prescribed by any regulations made under the authority of this Act :

The term "court of summary jurisdiction" means and includes any justice or justices of the peace, metropolitan police magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders," and any Acts amending the same :

The term "fittings" includes communication pipes, and also all pipes, cocks, cisterns, and other apparatus used or intended for supply of water by a Company to a consumer, and for that purpose placed in or about the premises of the consumer :

The term "owner" means the person who, for the time being, receives the rackrent of the premises with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any person, or who would so receive the same if the premises were let at a rackrent, and includes every successive owner from time to time of the premises, being such for any part of the time during which the enactment wherein that term is used operates in relation to the premises : A.D. 1871.

Premises shall be deemed to be on the same service, or on a service, when water is supplied to them by a Company from the same service pipe.

4. The limits within which the provisions of this Act shall be in force and have effect (in this Act referred to as "the limits of this Act") shall include the metropolis and the several places set out in the schedule to the Metropolis Water Act, 1852, which do not form part of the metropolis. Limits of Act.

5. From and after the passing of this Act, the sections of the Metropolis Water Act, 1852, specified in the Schedule (B.) to this Act annexed, shall be and the same are hereby repealed, so far as regards their operation within the limits of this Act: Provided always, that no such repeal shall affect any act, matter, or thing duly done or agreed upon before the passing of this Act, under the authority of any of the sections of the said Act hereby repealed. Repeal of parts of Metropolis Water Act, 1852.

6. From and after the passing of this Act every Company shall on Sundays as on other days supply sufficient pure and wholesome water for the domestic use of the inhabitants within their water limits. Supply of water on Sundays.

Constant Supply.

7. Subject to the provisions of this Act, every Company may, and from and after the expiration of eight months from the passing of this Act every Company shall, when required so to do, in the manner directed by this Act, provide and keep throughout their water limits, or throughout such parts of such limits as they may be required in manner aforesaid, a constant supply of pure and wholesome water sufficient for the domestic purposes of the inhabitants within such water limits constantly laid on at such pressure as will make such water reach the top story of the highest houses within such water limits (but not exceeding the level prescribed by the special Act) of such Company (which supply is in this Act referred to as a "constant supply"); and Companies to provide constant supply of water.

A.D. 1871. — every such Company shall, subject to the provisions of the special Act as the same are amended by this Act, give and continue to give to such inhabitants a constant supply for domestic purposes in manner prescribed.

Application
for constant
supply.

8. At any time after the expiration of six months from the passing of this Act, the metropolitan authority shall, whenever they are of opinion that there should be in any district a constant supply, make application to the Company within the water limits in which such district is situate, requiring a constant supply in such district, and any Company may without any such application propose to the metropolitan authority to give a constant supply in any district.

Appeal to
Board of
Trade.

9. When application has been made to any Company requiring such Company to provide a constant supply, or when any Company has given notice to a metropolitan authority of a proposal to give a constant supply in any district, and the Company so required, or the metropolitan authority upon whom notice of such proposal has been served, object to such requisition or proposal, it shall be lawful for such Company or metropolitan authority, within one month after the making of such application or service of such notice, to present a memorial to the Board of Trade, setting forth their objections to such requisition or proposal, and the party presenting such memorial, or such Company, shall give notice to the other party of the presentation of such memorial, and shall transmit to such party a copy of the same. The Board of Trade shall, as soon as conveniently may be after the receipt of such memorial, take the same into their consideration, and may, if they think fit, institute any inquiry in relation thereto, and may hear such Company and authority desiring to be heard, and may make such order in reference thereto, and as to the costs thereof and incident to the same, as to them shall seem just.

Restriction
as to com-
pulsory
supply by
Companies.

10. No Company shall be compelled to give a constant supply to any premises in any district until the regulations provided for by this Act are made and are in operation within such district, or if it can be shown by such Company that at any time after the expiration of two months from the time of the service of any requisition for constant supply more than one fifth of the premises in such district are not provided with the prescribed fittings, without prejudice nevertheless to any renewed requisition at a future period.

In any district in which any default in respect of the prescribed fittings shall be found, the metropolitan authority may by notice in

writing require the owner or occupier of any such premises, within a time to be specified in such notice, to provide the prescribed fittings, or to cause the fittings in such premises to be repaired so as to prevent any waste of water, and if any person fail to comply with the terms of such notice the metropolitan authority may provide for such premises the prescribed fittings, or repair the fittings within the same, as the case may be.

The expenses incurred by the metropolitan authority in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied, or on whose credit the water is supplied, or by the owner of the premises.

All such expenses may be recovered, with costs, from the owner, and to the extent of any rent due by the occupier of the premises, from such occupier, by proceedings in a court of summary jurisdiction, or by action in any court having jurisdiction locally in the matter, as if the same were an ordinary simple contract debt; and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent, as if the same had been actually paid as rent; but if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the full amount of such expenses and costs: Provided further that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

11. It shall be lawful for the Board of Trade, at any time after the expiration of six months from the passing of this Act, to require a constant supply to be provided in any district by the Company within the water limits of which such district is situate, upon complaint made, and in case it appears to such Board, after due inquiry,—

Power to Board of Trade to require constant supply, in certain cases.

That the metropolitan authority refuses to make or unreasonably delays making application for such constant supply, or

That, by reason of the insufficiency of the existing supply of water in such district, or the unwholesomeness of such water in consequence of its being improperly stored, the health of the inhabitants of such district is or is likely to be prejudicially affected.

12. Where a constant supply is required in any district, notice to that effect shall be served, on behalf of the party requiring the same, upon the Company required to provide such supply; and where a constant supply is proposed to be given in any district by any Company, notice to that effect shall be served on behalf of such

Notice requiring or proposing constant supply to be served upon Com-

A.D. 1871. Company upon the metropolitan authority. In every such notice shall be stated accurately the district in which such constant supply is required or proposed to be given, and the day (not being an earlier day than four months after the date of the service of such notice) upon and from which such supply is to commence.

Extension of time to Companies.

13. Where a constant supply is required in any district, and the Company is unable, from want of funds or other cause of any kind, to execute all the necessary works within the time prescribed by this Act, the Board of Trade, if they think fit, may extend the time for the giving of such supply generally, or may extend the time, and direct such supply to be given at different times in succession, to the several parts of such district, in such manner as may be found most convenient: Provided that application be made by the Company for such extension of time within one month after the notice referred to in the last preceding section has been served upon them.

Provision for supply in courts, passages, &c.

14. With respect to cases where a group or number of dwelling-houses are situate in a court or passage, or otherwise in contiguity with or in close neighbourhood to one another, the following further provisions shall have effect; that is to say,

(1.) If at any time it appears to the Board of Trade, on the report of the nuisance authority, as defined by the Sanitary Act, 1866, that a constant supply cannot be well and effectually provided for that group or number of dwelling-houses, except by means of a stand-pipe or other apparatus placed outside the dwelling-houses the Board of Trade may from time to time make an order to the effect that such group or number of dwelling-houses may be so supplied, and shall serve the same on the Company within whose water limits the dwelling-houses are situate :

(2.) If the requisite stand-pipe or other apparatus in accordance with the regulations of the Company is provided, then the Company shall give to those dwelling-houses a supply accordingly by means of the stand-pipe or other apparatus so provided, and on giving such supply shall be entitled to receive and recover water rates or rents from the owners or occupiers of such dwelling-houses as if the supply had been given in the premises. The expense of providing such stand-pipe or other apparatus shall be borne by the owner of the dwelling-houses, or if there is more than one owner then by the respective owners in such proportions as the Board of Trade shall direct :

(3.) The Board of Trade may at any time abrogate, wholly or in part, the order, or may originally grant it only for a limited period.

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15. Notwithstanding anything in this Act, a Company shall not be subject to any liability for not giving a constant supply if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

Provision for case of frost, &c.

16. Any Company which violates, refuses, or neglects to comply with any of the preceding provisions of this Act shall be liable to a penalty not exceeding two hundred pounds and to a further penalty not exceeding one hundred pounds for every month during which such violation or refusal or neglect to comply with the said provisions continues after they shall have received notice in writing from the Board of Trade to discontinue such violation, refusal, or neglect as aforesaid.

Penalties for non-compliance with preceding provisions.

Regulations.

17. Every Company shall, within six months after the passing of this Act, make regulations for the purpose for which regulations may be made under the authority of section 26 of the Metropolis Water Act, 1852, and the provisions of that section shall apply also to the preventing of undue consumption or contamination of water.

Company may make regulations.

18. Any Company, if it thinks fit, or if requested so to do by the Board of Trade, may repeal or alter any of the regulations made for the purposes aforesaid, or make new regulations instead of any of the same.

Amendment of regulations.

19. In case any Company does not make regulations within the time specified in this Act, or in case any Company, on being requested in writing by the metropolitan authority, or by any ten consumers of the water supplied by that Company, to repeal or alter any of the regulations for the time being in force, or to make new regulations instead of any of the same, refuses so to do, the Board of Trade may, if they think fit, appoint a competent and impartial person of engineering knowledge and experience to report to them as to such regulations as may be necessary for the execution of this Act, or as to the expediency of altering or repealing such regulations, or of making new regulations, in conformity with such request as aforesaid, and on the report of such person the Board of Trade may make such regulations, repeal, or alterations as they think fit.

In case of default by Companies, Board of Trade may appoint person to report as to regulations, and may make same.

20. By any regulations made under the authority of the Metropolis Water Act, 1852, or of this Act, penalties may be imposed for offences against the same not exceeding in respect of any offence the sum of five pounds, so that every such regulation be so framed as to allow part only of the maximum penalty being

Penalties for offences against regulations.

A.D. 1871. inflicted, and any such penalty shall be recoverable as penalties under this Act are recoverable.

Notice of regulations to be delivered to metropolitan authority.

21. Within four days after the making of any regulation, or of any repeal of or alteration in any regulation, notice of the same shall be served upon the metropolitan authority by the Company or person making the same.

Confirmation of regulations.

22. No regulation, and no repeal or alteration of any regulation, made under the authority of the Metropolis Water Act, 1852, or of this Act, by a Company, shall be of any force or effect unless and until the same be submitted to and confirmed by the Board of Trade, who may institute such inquiry in relation thereto as they shall think fit, and who at such inquiry shall hear the metropolitan authority, and the Company, if desiring to be heard, and the said Board shall, if they think fit, or if requested, nominate and have present at such inquiry to advise and assist them a competent and impartial waterworks engineer. The Board of Trade may, after such inquiry, confirm or disallow any such regulation, repeal, or alteration, in whole or in part, or may confirm the same with such modification or alteration as they may think proper; and no such regulation, repeal, or alteration shall be made by the Board of Trade on any such report as aforesaid, except after a like inquiry and hearing, with the like advice and assistance as aforesaid: Provided that no such regulation, repeal, or alteration shall be confirmed or made (as the case may be) by the Board of Trade unless notice in that behalf shall have been given by the Company to which the same relates, or by such person as the Board of Trade direct, in the "London Gazette" and in two daily morning newspapers circulated within the limits of this Act, one month at least before the inquiry; and one month at least before any such inquiry is held a copy of the regulation, repeal, or alteration in question shall be sent by such Company or person to the office of the metropolitan authority, and the same shall for one month be kept open during office hours at the respective offices of the metropolitan authority and of the said Company to the inspection of all persons, without fee or reward, and a copy of the same or of any part thereof shall be furnished to every person who shall apply for the same, on payment of sixpence for every one hundred words contained in such copy.

Publication of regulations.

23. A printed copy of all regulations in force for the time being shall be kept at the office of the metropolitan authority and of every Company within the limits of this Act, and all persons may at all reasonable times inspect such copy without payment, and each Company shall cause to be delivered a printed copy, authenticated by their seal, of all regulations for the time being

in force to every person applying for the same, on payment of any sum not exceeding one shilling and sixpence for every such copy, and a printed copy of the regulations for the time being in force relative to any particular district only to every person applying for the same, on payment of any sum not exceeding threepence for every such copy. A.D. 1871.

24. All regulations, and every repeal of or alteration in any regulation made, shall, after publication in manner by the last preceding section of this Act directed, be binding upon and be observed by all parties, and shall be sufficient warrant for all persons acting under the same, and a Company shall not be bound under any agreement to supply or continue to supply water to any premises unless such regulations as are for the time being in force are duly observed in respect of those premises. Regulations to be binding upon all parties.

25. A printed copy of regulations relating to any Company, dated and purporting to be made as aforesaid, and to be authenticated by the seal of such Company, shall be conclusive evidence of the existence and of the due making, confirmation, and publication of such regulations in all prosecutions or proceedings under the same, without adducing proof of such seals, or of the fact of such confirmation or publication of such regulations or of any of the requirements of this Act relative thereto having been complied with. Evidence of regulations.

Supply of prescribed fittings.

26. When notice in relation to a constant supply in any district has been served upon or by any Company, the party by whom or on whose behalf such notice shall be served shall, within five days after the service thereof, cause to be published a copy of the same once in the London Gazette, and copies of the same once at least in each of two successive weeks in any two daily newspapers circulated within the limits of this Act. Notice relating to constant supply to be published in London Gazette, &c.

27. Where in any district any Company is required or has proposed to provide a constant supply, such Company may, at any time after the expiration of one month after the publication in the London Gazette of a copy of the notice requiring or proposing such constant supply, unless a memorial or application has been presented or made to the Board of Trade objecting to such constant supply or seeking an extension of time, and if any such memorial or application has been presented or made, then at such time after the determination of the Board of Trade in relation to such memorial or application as such Board shall approve and order, cause to be served on the owner or occupier of any premises within Company may issue notice upon owners and occupiers to provide prescribed fittings.

A.D. 1871. such district a notice requiring such owner or occupier to supply such premises with the prescribed fittings.

Owner or occupier to provide prescribed fittings.

28. Every owner or occupier of premises upon whom notice to that effect has been served shall, within two months after the date of the service of such notice, provide the prescribed fittings, and shall from time to time keep the same in proper repair.

In case of default by owner or occupier, Company may provide or repair prescribed fittings.

29. Where in any district any Company is required or has proposed to provide a constant supply, and

Any owner or occupier of premises upon whom notice to provide prescribed fittings has been served by such Company makes default in providing the prescribed fittings, such Company, if they think fit, may provide such fittings; or

Where in any such district the fittings of any person are out of order, and not as prescribed, such Company may by notice in writing require such person, within twenty-four hours after the date of the service of such notice, to cause the same to be repaired, so as to prevent any waste of water; and if any person fail to comply with the terms of such notice such Company (if they think fit) may repair the fittings of such person.

The expenses incurred by such Company in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied or on whose credit the water is supplied by means of such fittings, or by the owner of the premises.

All such expenses may be recovered, with costs, from the owner, and to the extent of any rent due by the occupier of the premises from such occupier, by proceedings in a court of summary jurisdiction, or by action in any court having jurisdiction locally in the matter, as if the same were an ordinary simple contract debt; and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent, as if the same had been actually paid as rent; but if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the whole amount of such expenses and costs: Provided, that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

Power to enter premises for inspection and repair of fittings.

30. Where in any district any Company is required or has proposed to provide a constant supply, the officers or agents of such Company, or of the party requiring such supply, or any person appointed for such purpose by the Board of Trade may, at all reason-

able times, enter any premises within such district, in order to inspect the premises for the purposes of this Act, and examine the same with a view to ascertain whether there are in or about the same the prescribed fittings, or, where authorised under the provisions of this Act, to provide or repair the fittings; and if any person hinder any such officer, agent, or person from entering and making such inspection or examination, or providing or repairing such fittings, every person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

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31. In the event of any dispute as to whether the fittings of any person are as prescribed, such dispute shall be settled by the court of summary jurisdiction, on the application of either party, which court may make such order as to the amount of the costs of the proceedings before such court as seems just, and the decision of such court shall be final and binding on all parties.

Settlement of disputes as to sufficiency, &c. of fittings.

32. Where in any district any Company is required or has proposed to provide a constant supply,—

Penalties for non-compliance with the provisions of Act.

If any person supplied with water by such Company wilfully or negligently causes or suffers any fittings to be out of repair, or to be so used or contrived as that the water supplied to him by such Company is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of such Company, he shall for every such offence be liable to a penalty not exceeding five pounds; or

If any person supplied with water by such Company wrongfully does or causes or permits to be done anything in contravention of any of the provisions of the special Act or this Act, or wrongfully fails to do anything which, under any of those provisions, ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of such Company, they may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied by them to him or for his use, and may cease to supply him with water, so long as the cause of injury remains or is not remedied; and in every case of so cutting off or ceasing to supply, the Company shall within twenty-four hours thereafter give to the nuisance authority, as defined by the Sanitary Act, 1866, notice thereof.

33. The absence in respect of any premises of the prescribed fittings after the prescribed time shall be a nuisance, within section 11 and sections 12-19 (inclusive) of the Nuisances Removal Act for England, 1855, and within all provisions of the same or any

Absence of proper water fittings in premises to be a nuisance.

A.D. 1871. — other Act applying, amending, or otherwise relating to those sections; and that nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises unfit for human habitation within section 13 of the Nuisances Removal Act for England, 1855, unless and until the contrary is shown to the satisfaction of the justices acting under that section.

Provision
respecting
fire-plugs.

34. Section 32 of the Metropolitan Fire Brigade Act, 1865, shall operate, subject and according to the provisions following; (that is to say,)

- (1.) In that section and in this provision the term "fire-plug" and the term "plug" shall include hydrant and all other apparatus necessary or proper in connexion with the Company's pipes for supply of water in case of fire:
- (2.) Where a Company give a constant supply in any part of their water limits they may, if they think fit, give notice thereof to the Metropolitan Board of Works:
- (3.) If the Metropolitan Board of Works do not within two months after receipt of any such notice specify, as regards that part of the Company's water limits, what plugs for supply of water in case of fire, at what places, of what dimensions, and in what form they require the Company to provide, then, at any time after the expiration of that time, the Company may, if they think fit, provide in and for that part of their water limits such plugs for supply of water in case of fire, at such places, of such dimensions, and in such form as to the Company seem necessary or proper:
- (4.) Thereupon, as regards that part of the Company's water limits, the Company shall be deemed to have fully discharged all obligations imposed on them by the said section 32:
- (5.) All plugs provided by a Company in pursuance of this provision may, for the purposes of the fire brigade, be used as if they had been provided on the requisition of the Metropolitan Board of Works under the said section 32:
- (6.) The providing of plugs by a Company under this provision shall be at the expense of the Metropolitan Board of Works, and the costs, charges, and expenses of the Company in or about the providing of the same shall be paid to the Company by the Metropolitan Board of Works, on demand, out of their general rate, and in default may be sued for and recovered, with costs, by the Company in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount.

Quality of Water.

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35. The Board of Trade may at any time, if and when they think fit, appoint a competent person to inquire into and report on the quality of the water furnished by any Company, notwithstanding that no complaint has been made and signed by twenty inhabitant householders, as prescribed by section 9 of the Metropolis Water Act, 1852; and sections 10 and 11 and 13, and the other provisions of that Act, shall apply in every respect as if such person were appointed under section 9 of that Act, and as if any matter reported to the Board of Trade as requiring alteration on the part of a Company had been the subject of a complaint by such householders as aforesaid.

Power to Board to appoint persons to inquire and report as to quality of water.

36. There shall be a water examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade, who shall from time to time, in such manner as the Board of Trade direct, examine the water supplied by any Company, in order to ascertain whether or not the Company have complied with the requirements of section 4 of the Metropolis Water Act, 1852, and shall from time to time report the results of his several examinations to the Board of Trade; and the Board of Trade shall send a copy of every such report to the Company to which the same relates, and the Company may, if they think fit, on each occasion of such examination, be represented thereat by some officer, but such officer shall not interfere in the examination.

Appointment and duties of water examiner.

There shall be paid to such water examiner such remuneration by the Companies and in such proportions as such Board appoints.

Accounts.

37. Every Company shall, on or before the thirty-first day of July in each year, fill up and forward to the Board of Trade, and to the town clerk of the city of London, and to the Metropolitan Board of Works, and to the vestry clerk of each parish within which water is supplied by each Company respectively not within the city of London, a statement of account, made up to the end of their financial year then last passed, in such form and containing such particulars as may from time to time be prescribed by the Board of Trade.

Accounts, &c.

Each Company shall keep copies of such statement at their office for one year after the date thereof, and sell the same to any applicant at a price not exceeding one shilling for each such copy.

In case any Company make default in complying with any of the provisions of this section, they shall be liable to a penalty not

A.D. 1871. exceeding ten pounds for each day during which such default continues.

Auditor of accounts.

38. There shall be an auditor of the accounts of the Companies, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

There shall be paid to such auditor such remuneration by the Companies and in such proportions as such Board appoints.

Ascertainment of capital of Companies.

39. The auditor shall, with all practicable speed after the passing of this Act, investigate the accounts of the Companies, and ascertain and certify the amounts of their capitals, distinguishing share from loan capital, and shall ascertain and certify the capital of each Company, and shall from time to time, as new capital shall be expended, in like manner ascertain and certify the amount of such new capital that has been bonâ fide expended for the purposes of the undertaking. Notwithstanding anything in this Act, the auditor shall not investigate the accounts of any Company antecedent to the date mentioned in that behalf in relation to such Company in the Schedule C. to this Act annexed.

Periodical audit of accounts.

40. The auditor shall once in every half year audit the accounts of the Companies.

If he finds the accounts correct he shall certify the same, but if in any instance he finds the accounts of any Company incorrect in principle or in detail, he shall require such Company to correct such accounts in such manner as he thinks right, and no future dividend shall in any case be declared by any Company until their accounts are certified by the auditor; provided that the suspension of a dividend under this section shall not operate until after the expiration of nine months from the date of the audit.

Facilities for auditor.

41. Each Company shall, during as well as subsequent to the close of that half year to which the accounts relate, give to the auditor, his clerks and assistants, access to the books and documents of such Company, and shall, when required, furnish to him and them all vouchers and information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty; and any Company making default in complying with any of the provisions of this section shall, for every such default, be liable to a penalty not exceeding ten pounds.

Arbitration between auditor and Company.

42. If any Company think themselves aggrieved by any act or determination of the auditor, the matter in difference shall be referred to the determination of an arbitrator agreed on between such

Company and the auditor, or, in default of agreement, appointed, on the application of either party, by the Lord Chief Justice of the Court of Common Pleas; and the reference shall be subject and according to the provisions of the Common Law Procedure Act, 1854; and the decision of the arbitrator shall be final and conclusive; and, subject to this provision, such Company shall observe and abide by the directions and determinations of the auditor.

Arbitration.

43. Where any dispute arises between any persons whatsoever in relation to the execution of this Act, or to any act, matter, or thing incident to or consequent upon the execution of the same, and where the method of determining any such question in dispute is not expressly provided for, such question may, if the parties so desire, be settled by arbitration in manner prescribed by the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration.

Disputes
may be
settled by
arbitration.

Penalties.

44. Every penalty incurred by any Company by reason of non-compliance with any of the provisions of this Act shall go and belong to the metropolitan authority within the jurisdiction of which the same has been incurred, and may be sued for and recovered by such metropolitan authority in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount, and shall be paid and applied as such metropolitan authority shall from time to time direct.

Recovery and
application
of penalties.

Every such penalty shall be borne and paid (to the satisfaction of the auditor appointed as in this Act provided) exclusively by and out of the divisible profits of the Company by whom the penalty is incurred, and by way of reduction of dividend.

45. Except as is by the next preceding section expressly provided, all penalties under this Act may be sued for and recovered in the "Court of Summary Jurisdiction."

Summary
proceedings
for penalties,
&c.

Miscellaneous.

46. Any instrument (including a notice, order, resolution, declaration, requisition, consent, approval, disapproval, or other document) made, given, delivered, or served under this Act, or any regulation thereunder, may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and, if the instrument of a Company, shall be sufficiently

Form and
service, &c.
of instru-
ments.

A.D. 1871.

authenticated by the name of their secretary being affixed thereto in print or writing, or by a stamp on behalf of the Company; and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any premises to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served, without further name or description; and any such instrument may be addressed to owners or occupiers of any number of contiguous or neighbouring premises collectively, and when so addressed may be served on more owners and occupiers than one (so that separate copies be served on the respective owners and occupiers of the several premises concerned; and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post in a letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the premises in respect of which it is given or served, or if the premises are unoccupied, and the place of abode of the person to be served is, after diligent inquiry, unknown, it shall be sufficient to affix it, or a copy thereof, on some conspicuous part of such premises.

Act not to apply to certain property and accounts of the New River Company.

47. Nothing in this Act shall be deemed to apply to any of the landed estate, houses, or property of the New River Company not directly used for or connected with their water supply, or to authorise or empower the auditor to investigate or audit any accounts of the New River Company other than those relating to their water supply.

Incoming tenant not to pay arrears of outgoing tenant, unless by express agreement.

48. In case any consumer leave the premises where water was supplied to him without paying to the Company the rate due from him, the Company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears, but the Company shall, notwithstanding any such arrears, supply water to the incoming tenant, on being required by him so to do.

Amendment of sections 17 and 18 of Metropolis Water Act, 1852.

49. Sections 17 and 18 of the Metropolis Water Act, 1852, shall be read as if instead of the words "district mains" and "district main" in the said sections the words "pipes" and "pipe" were substituted respectively; and every Company shall, upon the map, and upon every alteration of the same made in conformity with the provisions of the said section 17, as amended by this section, cause to be marked every screw-cock or apparatus by means of which

water is permitted to flow or is prevented from flowing from the main into any pipe within the water limits of such Company. A.D. 1871.

50. Except as in this Act provided, nothing in this Act shall take away, abridge, or prejudicially affect any right or power which a Company would have had under their special Act or the Metropolis Water Act, 1852, or under any charter or otherwise, if this Act had not been passed. Saving for
ordinary
powers.

Costs.

51. All costs, charges, and expenses of or incidental to the preparing, applying for, and passing of this Act, and of promoting the Bill for the like purposes introduced previous to the same, shall be paid by the mayor, aldermen, and commons of the city of London, and the Metropolitan Board of Works, in such proportions and as and to whom the Board of Trade shall direct. Expenses
of Act.

A.D. 1871.

SCHEDULE A.

Places.	Description of Metropolitan Authority.
The City of London and the liberties thereof.	The Mayor, Aldermen, and Commons of the City of London.
The metropolis, except the City of London and the liberties thereof.	The Metropolitan Board of Works.
Any place within the limits of this Act not included in the above descriptions, and under the jurisdiction of commissioners, trustees, or other persons intrusted by any Local Act with powers of improving, cleansing, or paving such place.	The Commissioners, trustees, or other persons intrusted by the Local Act with powers of improving cleansing, or paving.
Any place within the limits of this Act not included in the above descriptions, and within the jurisdiction of local boards constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or one of such Acts.	The local board.
Any place or parish within the limits of this Act not within the above descriptions, and in which a rate is levied for the maintenance of the poor.	The vestry, select vestry, or other body of persons acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry.

SCHEDULE B.

Parts of the Metropolis Water Act, 1852, which are referred to in section 5 of the foregoing Act, viz. :—

Section 15, except so much thereof as prescribes the height at which the Kent Waterworks Company and the East London Waterworks Company are respectively required to give their supply, sections 19 to 22, both inclusive, and section 27.

A.D. 1871.

SCHEDULE C.

Setting forth in relation to each Company the date antecedent to which the accounts of such Company shall not be investigated.

Name.	Date.
The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called the New River Company.	16th day of July 1866.
The Company of Proprietors of the East London Waterworks.	15th day of July 1867.
The Southwark and Vauxhall Water Company - -	12th day of April 1867.
The West Middlesex Waterworks Company - -	13th day of May 1869.
The Lambeth Waterworks Company - - -	13th day of May 1869.
The Governor and Company of Chelsea Waterworks -	3rd day of June 1864.
The Grand Junction Waterworks Company - -	29th day of May 1868.
The Company of Proprietors of the Kent Waterworks -	30th day of June 1864.

ISBN 0 10 520030 1