



CHAPTER ccxlix.

An Act for incorporating the West Gloucestershire Water Company and conferring powers upon them with reference to the Construction of Works and the Supply of Water and otherwise and for other purposes. A.D. 1884.

[7th August 1884.]

WHEREAS the parishes and townships of Wickwar Yate Iron Acton Chipping Sodbury Old Sodbury Frampton Cotterell Westerleigh Wapley and Codrington Dodington Filton Stoke Gifford Winterbourn otherwise Winterbourne Frenchay and Hambrook Mangotsfield Pucklechurch Dyrham and Hinton Siston Wick and Abson otherwise Abstone Doynton Oldland Hanham Bitton and the detached portion of the parish of Thornbury all in the county of Gloucester are at present inadequately supplied with water and it is expedient that provisions be made for affording an adequate supply of pure and wholesome water sufficient for the purposes of the inhabitants of the said parishes portion of parish and townships:

And whereas the persons in that behalf in this Act named with others are willing at their own expense to undertake the supplying with water of the said parishes portion of parish and townships on being incorporated into a Company with adequate powers for the purpose and it is expedient that they be incorporated accordingly and authorised to construct waterworks as by this Act provided and that such other powers as are in this Act contained be conferred on the Company for the better and more effectually carrying the purposes of the undertaking into effect:

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also books of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the

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

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

Short title. 1. This Act may be cited as the West Gloucestershire Water Act 1884.

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

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :—

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

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

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

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated

herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1884.

4. The limits of this Act for the supply of water shall be the parishes and townships of Wickwar Yate Iron Acton Chipping Sodbury Old Sodbury Frampton Cotterell Westerleigh Wapley and Codrington Dodington Filton Stoke Gifford Winterbourn otherwise Winterbourne Frenchay and Hambrook Mangotsfield Pucklechurch Dyrham and Hinton Siston Wick and Abson otherwise Abstone Doynton Oldland Hanham Bitton and the detached portion of the parish of Thornbury all in the county of Gloucester Provided that if in any parish or township within the limits the Company shall not have made adequate provision for the supply of water within five years after the period herein-after fixed for the completion of the works the restriction on the construction of waterworks by a local authority by section fifty-two of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of any such parish or township. Limits of Act.

5. David Urquhart Enoch Horton Henry Grace Abraham Fussell Joseph Tippet Howes and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purposes herein-after mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of The West Gloucestershire Water Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Company incorporated.

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

7. The capital of the Company shall be sixty thousand pounds in six thousand shares of ten pounds each. Capital and number and amount of shares.

8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof. Shares not to be issued until one-fifth part thereof shall have been paid up.

A.D. 1884. **9.** One-fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts in case of persons not sui juris. **10.** If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow. **11.** The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole fifteen thousand pounds (that is to say) in respect of each thirty thousand pounds of the capital the Company may borrow not exceeding seven thousand five hundred pounds but no part thereof shall be borrowed until the whole capital in respect of which the borrowing power is exercised is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital. **12.** The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver **13.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a

receiver is made shall not be less than five hundred pounds in the whole. A.D. 1884.

14. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages. Power to create debenture stock.

15. All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company. Moneys borrowed on mortgage or debenture stock to have priority.

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

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

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

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

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Quorum of directors.

First directors.

Election of directors.

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

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

Auditors need not hold shares.

Power to take lands.

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

23. Subject to the provisions and for the purposes of this Act the Company may enter upon take and use all or any of the lands defined on the deposited plans and described in the deposited books of reference.

Power to make water-works.

24. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections and in and upon the lands described upon such plans the works herein-after described and may do the things by this Act authorised The works herein-before referred to and by this Act authorised to be made and maintained and the things by this Act authorised to be done comprise the following works and things that is to say :—

(A) A well and pumping station in the said parish of Frampton Cotterell to be situate at the site of the existing pumping engine and pit shaft lately belonging to and worked by the Frampton Hæmatite Mining Company and in a field numbered 471 on the tithe commutation map of that parish ;

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(B) An aqueduct conduit or line of pipes commencing at the said well and pumping station above described and terminating in the reservoir next herein-after described ;

(c) A reservoir in the said parish of Dodington to be situate in and near to the western boundary of a field numbered 96 on the tithe commutation map of that parish and commencing at a point sixty yards or thereabouts measured in a southerly direction from the north-west corner of the said field thence proceeding in a southerly direction for a distance of sixty yards or thereabouts thence proceeding in an easterly direction for a distance of sixty yards or thereabouts thence proceeding in a northerly direction for a distance of sixty yards or thereabouts and thence proceeding in a westerly direction for a distance of sixty yards or thereabouts to and terminating at the point of commencement above described ;

(D) In connexion with the reservoir and waterworks or any of them to make and maintain and from time to time renew embankments walls dams filtering beds softening tanks sluices catch-pits conduits culverts drains channels pipes wells tanks engines buildings machinery roads approaches and other works and conveniences connected therewith or incidental thereto ;

(E) The taking collecting diverting impounding and using the waters in or arising or flowing from the said existing pit shaft lately belonging to the Frampton Hæmatite Mining Company.

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

Lateral and vertical deviation.

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 three years after the passing of this Act

Period for compulsory purchase of lands.

27. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the

Power to acquire additional lands

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by agree-
ment.

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

Period for
completion
of works.

28. If the works authorised by this Act and shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging altering or renewing any of their engines machinery mains or pipes from time to time as occasion requires for supplying water within the limits of this Act.

Power to
take ease-
ments &c by
agreement.

29. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Reservation
of water
rights &c. on
sale of lands.

30. On the sale by the Company of any lands they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

For the pro-
tection of the
Lawford's
gate High-
way Board.

31. For the protection of the highway board for the district of Lawford's Gate in the county of Gloucester in this section referred to by the expression "highway board" the following provisions shall have effect (that is to say) :—

- (1) The word highway in this section shall include any public carriage road bridle road bridge or any road or public footway under the control and jurisdiction of the highway board ;

- (2) The Company shall not without the written consent or written approval of the highway board or their surveyor previously obtained in exercise of the powers or for the purposes of this Act construct lay down or place any aqueduct conduit or line of pipes or any service or other pipe or work in through under or along the stoned or metalled portion of any highway where such aqueduct conduit or line of pipes or service or other pipe or work can lawfully be constructed laid down or placed in through under or along such portion of the highway as is not stoned or metalled and in case they shall wilfully do so they shall forfeit and pay to the said highway board the sum of two pounds per yard for every yard or portion of a yard of metalled or stoned road which shall be broken up contrary to this provision; A.D. 1884.
- (3) Whenever it shall be necessary in exercise of the powers or for the purposes of this Act to construct lay down or place any aqueduct conduit or line of pipes or any service or other pipe or work in through under or along the stoned or metalled portion of any highway the Company shall not without the written consent as aforesaid (except only where any such aqueduct conduit or line of pipes or service or other pipe or work has to be carried across any such highway from the one side to the other side thereof) construct lay down or place the centre of the same at a distance exceeding three feet from the gutter or the outside edge of the stoned or metalled portion of such highway and in case they shall wilfully do so they shall forfeit and pay to the said highway board the sum of ten pounds for every one hundred yards or any shorter length of aqueduct conduit or pipe which shall be constructed or laid down and the sum of one pound per day for every other work which shall be placed in through under or along the stoned or metalled portion of such highway at a distance exceeding three feet from the gutter or the outside edge of such stoned or metalled portion so long as the same shall be allowed to remain at such distance;
- (4) Whenever it shall be necessary in the exercise of the powers or for the purposes of this Act to place any plug on or upon the stoned or metalled portion of any highway the Company shall not except with the written approval or written consent aforesaid place the centre of any such plug at a greater distance than three feet from the gutter or the outside edge of the stoned or metalled portion of such highway and shall properly pitch round every such plug so as effectually to prevent any water escaping from such plug upon the stoned or metalled portion of such highway and in case the Company

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shall without such consent as aforesaid place any such plug at a greater distance than three feet from the gutter or the outside edge of such highway or shall not properly pitch round the same in manner aforesaid the Company shall forfeit and pay to the said highway board for every plug which shall be placed beyond the prescribed distance the sum of one pound for each day during which it shall be allowed to remain there and also the sum of five pounds for every plug which shall not be properly pitched round in manner aforesaid ;

- (5) The Company before they commence to break up any highway shall (except in case of emergency) give to the clerk of the highway board notice in writing of their intention so to do and shall with such notice deposit with the said clerk a plan whereon shall be shown the proposed situation of the line of pipes plugs scours and other works in connexion therewith to be laid in or across such highway . Provided always that the provision as to plans shall not apply to the notice to be given as aforesaid with respect to breaking up the highway in laying service pipes only ;
- (6) The highway board or their surveyor may make such alteration in the aforesaid plan as shall in their or his judgment be expedient to secure the least possible interference with the traffic of such highway or as in case of difference shall be determined by arbitration as herein-after provided ;
- (7) The said line of pipes shall be laid and the plugs scours and other works in connexion therewith fixed at a depth from the uppermost side of the said pipes not exceeding two feet six inches from the surface of the highway wherein the same shall be so laid or fixed and in accordance with the said plan as approved in writing by the highway board or their surveyor or as settled by arbitration as herein-after provided and under the superintendence and to the reasonable satisfaction of the surveyor to the highway board . Provided that if such plan be not disapproved by the highway board or their surveyor within five weeks after it shall have been deposited as aforesaid it shall be deemed to have been approved by the highway board and the Company may forthwith proceed to carry on their works in accordance therewith and if the said surveyor shall neglect or refuse to give such superintendence the Company may lay the said pipes and perform the works incident thereto without the superintendence of the said surveyor ;
- (8) The highway board may make such regulations as to the part or parts of the said highway to be broken up and as to

the fencing watching and lighting of the same as they may deem requisite or as in case of difference may be determined by arbitration as herein-after provided for the purpose of ensuring the safety and convenience of the traffic passing along and persons using the said highway and the Company shall observe such regulations ;

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(9) Whenever the Company shall in the exercise of the powers or for the purposes of this Act construct lay down or place any aqueduct conduit or line of pipes or any service or other pipe or work in through under along or across the stoned or metalled portion of any highway situate within the limits and jurisdiction aforesaid or shall for such purposes or any of them or for any other purpose authorised by this Act open or break up the stoned or metalled portion of such highway the Company shall fill in the trench or opening thus caused with earth tightly rammed round and over the aqueduct conduit pipe or other work which may be constructed laid down or placed therein and also with stones or metalling at least nine inches deep upon the top thereof up to the surface or level of the stoned or metalled portion of the highway before the same was so opened or broken up and shall place on the top thereof stones or metalling to a depth of three inches above the surface or level of such stoned or metalled portion so as effectually to prevent any subsidence of the surface of the stoned or metalled portion of the highway and in case the Company shall not fill in any such trench or opening or reinstate the surface in manner aforesaid they shall forfeit and pay to the said highway board the sum of ten pounds for every hundred yards or any shorter length of highway in respect of which such default shall be made ;

(10) Whenever in exercise of the powers or for the purposes of this Act the Company shall open or break up the stoned or metalled portion of any highway they shall after such trench or opening shall have been filled in and the surface reinstated in manner aforesaid keep the portion of the highway which shall have been so opened or broken up in good repair for the period of one year thereafter and in case the Company shall after receiving three days notice signed by the surveyor for the time being of the said highway board neglect to keep the same in good repair at any time during the said one year it shall be lawful for the said highway board at the expiration of the said notice forthwith to repair the same and to recover the expense of such repairs from the said Company as liquidated damages

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to be recovered in the same manner as is herein-after provided for the recovery of penalties ;

(11) Nothing in this Act contained shall interfere with the right of the highway board to alter the level of deviate or improve in any manner they think fit any highway in or across which any pipe of the Company shall be laid and the Company shall forthwith on receiving notice in writing under the hand of the clerk to the highway board so to do alter the position of the said pipes in such manner and to the extent prescribed by such notice or as in case of difference shall be settled by arbitration as herein-after provided ;

(12) All reasonable expenses incurred by the highway board by reason of the execution of any of the powers of this Act or of any other works or repairs rendered necessary by the acts or default of the Company their contractors officers servants or workmen together with a reasonable sum as the cost of such superintendence as aforesaid and all moneys penalties or forfeitures payable by the Company to the highway board shall be paid by the Company to the highway board within twenty-one days after demand thereof in writing and in case of default such expenses moneys penalties or forfeitures imposed upon the Company by this Act or by the Acts incorporated therewith may be recovered by the highway board from the Company with full costs of action in any court of competent jurisdiction ;

(13) If the Company in exercise of the powers and for the purposes of this Act shall contract with authorise or empower any person or persons to construct or lay down any aqueduct conduit or line of pipes or service pipe or other pipe or work or to make any communications or connexions with the mains or pipes of the Company then and in every such case the Company and not the person or persons constructing or laying down or contracting to or empowered to lay down the same or making such communications or connexions shall be solely responsible to the highway board for any damage which may be thereby occasioned to any highway situate within the limits and jurisdiction aforesaid and for the due fulfilment of the provisions contained in this section ;

If any difference arise between the highway board and the Company touching this section or anything to be done other than the payment of a penalty or sum of money thereunder such difference shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement by any two justices of the peace in and for the county of Gloucester ;

Provided always that nothing in this section contained shall exempt the Company from the provisions of the Waterworks Clauses Act 1847 or of any Act or Acts amending the same so far as the same are not herein expressly varied or excepted.

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32. In constructing and maintaining the works authorised by this Act where they will pass over the Midland Railway the Company shall be subject to the following conditions (videlicet):—

For protection of Midland Railway Company.

1. All works crossing or affecting the said railway shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Railway Company and according to plans and specifications to be previously submitted to such engineer and reasonably 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 said railway shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the Midland Railway Company and in all things at the expense of the Company.

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

Constant supply and pressure.

34. The Company shall at the request of any owner or any occupier of any dwelling-house or part of a dwelling-house in any street in which any pipe of the Company shall be laid or on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at rates not exceeding the rates herein-after specified according to the annual value of such dwelling-house or part of a dwelling-house (that is to say):—

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

Where the annual value of the premises so supplied with water shall not exceed seven pounds at a rate not exceeding two-pence per week;

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

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

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

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

Rates for
waterclosets
and private
baths.

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

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

For prevent-
ing the
fouling of
water.

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

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

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

Regulations
for prevent-
ing waste of
water.

37. For the purpose of preventing the waste or misuse or contamination of water the Company may from time to time by regulations prescribe the size nature materials workmanship and strength of the pipes cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus or receptacles whatsoever to be used and may forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or misuse or contamination.

Confirmation
of regula-
tions.

38. No such regulations shall be of any force or effect in any part of the district in which the Company is not bound to afford and does not afford a constant supply nor unless and until the same shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same. And no such regulations shall be confirmed until after the expiration

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of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to the local authorities within the limits of supply who may within the said period of one month make such representation with reference thereto to the Local Government Board as such authorities shall think expedient and during such period a copy of the proposed regulations shall be kept at the office of the Company and be open during office hours to the inspection of all persons locally interested without fee or reward and a copy thereof or extracts therefrom shall be furnished to such persons by the Company on payment of sixpence for every one hundred words contained in such copy or extract.

Publication
of regula-
tions.

39. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company. 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 sixpence for each copy.

40. A printed copy of any such regulations as aforesaid and purporting to be made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

Evidence of
regulations.

41. In the event of any such regulations not being complied with by any person being or about to become a customer of the Company they may refuse to supply water or (as the case may be) may cut off the water supplied by them to him (notwithstanding any contract or otherwise) until the regulations are complied with. Provided that except in cases of accident emergency or necessary repairs the Company shall not under this provision cut off the water supplied to any customer of the Company until after he has had twenty-four hours notice in writing from the secretary or other officer of the Company of the intention of the Company to cut off the same.

For enforce-
ing regula-
tions.

42. In the event of any dispute between the Company and any customer or intending customer as to the fact or extent of any alleged non-compliance with any such regulations such dispute shall be referred to the determination of two justices whose decision thereon and the amount of costs (if any) of or incident to such dispute and the determination thereof and by whom such costs are to be paid shall be final and conclusive.

Disputes to
be deter-
mined by
justices.

A.D. 1884.

Company
may repair
pipes of
customer.

43. Where any person supplied with water by the Company after twenty-four hours notice in writing under the hand of the secretary or other officer of the Company to alter or repair any pipe valve cock cistern or other apparatus in order that the water supplied to him by the Company shall not be wasted fails to alter or repair the same so as to prevent such waste the Company may alter or repair the same and their expenses in so doing shall be repaid to them by the person so failing as aforesaid and the Company may recover the same as damages and in addition to the penalty (if any) recovered for the offence.

Company's
officer may
enter build-
ings.

44. The Company's agent or other officer 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 in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair and if such agent or other officer 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.

For prevent-
ing frauds
and waste
of water.

45. 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 or wilfully fails to do anything which under this Act ought to be done for the prevention of waste misuse or undue consumption of water the Company may cut off the water supplied by them to him as long as the cause of injury remains or is not remedied and also 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 this behalf.

Company
not bound to
supply water
in certain
cases.

46. The Company shall not be compelled to supply any dwelling-house with water (otherwise than by agreement) where any part of such dwelling-house is used for any trade or manufacturing purposes for which water is required.

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

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

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

A.D. 1884.
Notice to
Company of
putting up
meters &c.

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

Register of
meter to be
primâ facie
evidence.

50. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding ten pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damage is paid notwithstanding any contract then existing and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *primâ facie* evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter.

Fraudulently
injuring
meters &c.

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

Entry on
premises to
cut off
supply.

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

Notice
before entry.

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof and his usual place of abode be in England and be known to the Company then by delivering the notice to such owner or by

A.D. 1884.

leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in England or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry :

And for the purposes of this section any person receiving the rack-rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Incoming
tenant not
liable for
arrears.

53. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Recovery of
sums due.

54. If any person fails to pay any water rent meter rent rate damages costs expenses or other sum due to or recoverable by the Company under this Act they may recover the same by proceedings in any court of competent jurisdiction or if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned) and any justice may issue his warrant accordingly and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent rate damages costs expenses or other sum.

Notice of
discon-
tinuance.

55. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the office for the time being of the Company.

Contracts for
supplying
water for
public
purposes.

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

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57. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Liability to water rent not to disqualify justices, &c.

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 names and several sums.

Contents of summons &c.

59. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Costs of distress.

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

Penalties not cumulative.

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

Costs of Act.

