

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxii.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*



CHAPTER lxxii.

An Act to confirm a Provisional Order of the Minister of Health relating to Monks and Princes Risborough Water. [2nd August 1935.] A.D. 1935.

WHEREAS under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 the Minister of Health has made a provisional order which needs confirmation by Parliament : 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 89.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The order of the Minister of Health which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Monks and Princes Risborough Water) Act 1935. Short title.

[Ch. lxxii.] Ministry of Health [25 & 26 GEO. 5.]
Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.

A.D. 1935.

SCHEDULE.

• *Monks and Princes Risborough Water Order.* MONKS AND PRINCES RISBOROUGH WATER.

Provisional order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 extending the limits of supply of the Rural Districts Water Company Limited empowering them to construct and maintain additional waterworks to raise additional capital and for other purposes.

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :—

PART I.

PRELIMINARY.

- Short title. 1. This order may be cited as the Monks and Princes Risborough Water Order 1935.
- Commencement of order. 2. This order shall come into operation on the date of the Act of Parliament confirming it.
- Interpretation. 3.—(1) In this order unless the context otherwise requires the several words terms and expressions to which by any Act wholly or partly incorporated with this order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings.
- (2) In this order unless the context otherwise requires—
“the commencement of this order” means the date upon which this order comes into operation;
“the order of 1925” means the Monks and Princes Risborough Water Order 1925;
“the Undertakers” means the Rural Districts Water Company Limited;
“the directors” means the directors of the Undertakers;
“employee” means any workman servant or officer of the Undertakers other than a director;

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxii.]
*Provisional Order Confirmation (Monks and Princes
 Risborough Water) Act, 1935.*

“ the Minister ” means the Minister of Health ;

A.D. 1935.

“ the undertaking ” means the water undertaking of the Undertakers as from time to time authorised ;

—
*Monks and
 Princes
 Risborough
 Water Order.*

“ the limits of supply ” means the limits within which the Undertakers are from time to time authorised to supply water ;

“ the existing limits ” means the limits within which the Undertakers were immediately prior to the commencement of this order authorised to supply water ;

“ the added limits ” means the area added by this order to the existing limits ;

“ deposited plans ” and “ deposited sections ” mean respectively the plans and sections deposited for the purposes of this order.

4.—(1) So far as the same relate to the powers conferred by this order the provisions of—

Incorporation of Acts.

(a) The Lands Clauses Acts (except the provisions with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking); and

(b) The Waterworks Clauses Acts 1847 and 1863 as amended by any enactment ;

are (except where those provisions are inconsistent with or expressly varied by this order) incorporated with this order :

Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this order have effect as if the words “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” were omitted therefrom.

(2) For the purpose of such incorporation the term “ special Act ” in the said Acts respectively shall be construed to mean this order and the term “ Company ” shall mean the Undertakers.

PART II.

WORKS AND LANDS.

5.—(1) Subject to the provisions of this order the Undertakers may on the lands shown on the deposited plans (so long as they are possessed of those lands) make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the following works in the rural district of Wycombe in the county of Buckingham viz. :—

Power to construct and maintain works.

Work No. 1 A well and pumping station situate in the parish of Great and Little Kimble in the enclosure

[Ch. lxxii.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

A.D. 1935.
—
*Monks and
Princes
Risborough
Water Order.*

numbered in that parish 130 on the 1/2500 ordnance map (Buckinghamshire sheet No. XXXVII—4 edition of 1921);

Work No. 2 A well and pumping station situate in the parish of Great and Little Hampden in the enclosure numbered in that parish 37 on the 1/2500 ordnance map (Buckinghamshire sheet No. XXXVIII—9 second edition of 1898);

Work No. 3 A well and pumping station situate in the parish of Bledlow-cum-Saunderton in the enclosure numbered in the parish of Saunderton (as constituted prior to the Bucks Review Order 1934) 112 on the 1/2500 ordnance map (Buckinghamshire sheet No. XXXVII—11 edition of 1921);

together with all such buildings machinery mains pipes and other works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the said works.

(2) The Undertakers may also in upon or under the lands upon which the same are situate (so long as they are possessed of those lands or any necessary rights or easements therein) maintain and continue the following existing waterworks in the rural district of Wycombe in the county of Buckingham viz. :—

Work No. 4 A well and pumping station situate in the parish of Princes Risborough in the enclosure numbered in the parish of Monks Risborough (as constituted prior to the Bucks Review Order 1934) 204 on the 1/2500 ordnance map (Buckinghamshire sheet No. XXXVII—7 edition of 1921);

and may from time to time alter enlarge renew and improve the same together with all mains pipes machinery and other works as may be necessary or convenient in connection therewith or subsidiary thereto.

(3) Any electrical apparatus made or maintained under this section shall be so constructed maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Works to
form part of
undertaking.

6. Subject to the provisions of this order the works by this order authorised to be constructed or maintained shall for all purposes whatsoever form part of and be comprised in the undertaking.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxii.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

7. The provisions of the undermentioned articles of the order of 1925 shall extend and apply to the powers and provisions of this order as if those articles were re-enacted in this order with any necessary modifications (that is to say) :—

- Article 15 (Power to take waters);
- Article 16 (Limits of deviation);
- Article 17 (Completion of work);
- Article 19 (Discharge of water into streams) :

Provided that in its application to the powers and provisions of this order article 19 of the order of 1925 shall be modified by the addition of the words “ and from matter injurious to fish or spawn or spawning beds ” at the end of paragraph (1) thereof.

8.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Undertakers may by agreement purchase take on lease and acquire any lands and may hold such lands so long as they shall deem it necessary or expedient for those purposes :

Provided that—

- (a) the total quantity of land acquired under this section by the Undertakers shall not exceed twenty-five acres ; and
- (b) the Undertakers shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking.

(2) The Undertakers may in and upon any lands so acquired by them construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Undertakers are empowered to take from being polluted and the Undertakers may for those purposes carry any such drain sewer or watercourse under across or along any street or road traversing the said lands or within the limits of supply subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Undertakers may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Undertakers or by such owners

A.D. 1935.

—
*Monks and
Princes
Risborough
Water Order.*

Application
of certain
provisions of
order of
1925.

Lands for
protection of
waters and
waterworks.

[Ch. lxxii.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

A.D. 1935. lessees or occupiers of works for draining such lands and for more
— effectually collecting conveying and preserving the purity of the
*Monks and Princes waters which the Undertakers are for the time being authorised
Risborough to take.
Water Order.*

For protec-
tion of Great
Western and
Great Cen-
tral Railways
Joint Com-
mittee and
Metropolitan
and Great
Central Joint
Committee.

9. The following provisions for the protection of the Great Western and Great Central Railways Joint Committee and the Metropolitan and Great Central Joint Committee (each of which is in this section referred to as "the committee") shall unless otherwise agreed between the Undertakers and the committee apply and have effect (that is to say) :—

- (1) If it shall be proved by the committee that the pumping by the undertakers at the well and pumping station (Work No. 2) or at the well and pumping station (Work No. 3) by this order authorised has caused any appreciable diminution of the supply of water obtainable prior to the commencement of this order at any existing wells belonging to the committee which are in operation or use at the said date and continue to be an effective source of supply and are situate within a distance of two miles from either of the said pumping stations the Undertakers shall upon the written request of the committee afford (or arrange that there should be afforded) to them a supply of water equal to the amount of such diminution as so proved at such cost or rate (if any) as that the total cost to the committee of obtaining their full supply shall be the same after as before the occurrence of such diminution and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided :

Provided that the Undertakers shall not be liable for any temporary failure to afford such supply which is due to frost unusual drought or other unavoidable cause or accident :

- (2) The Undertakers may if they think fit in lieu of making good the diminution of the supply from any such well deepen the affected well or boring or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution and the committee shall without making any charge therefor give the Undertakers their officers and servants access and every facility for carrying out such deepenings borings or headings :
- (3) If the Undertakers do not afford a supply equal to the diminution as aforesaid they shall make compensation in money to the committee for such diminution the

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxii.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

amount of such compensation to be settled in case of difference by arbitration as hereinafter provided : A.D. 1935.

(4) The Undertakers shall not be liable in respect of any claim made by the committee under this section if they shall have failed to afford to the officers servants or other representatives of the Undertakers at all reasonable times after the commencement of this order access to the well or boring in respect of which the claim is made for the purpose of ascertaining particulars thereof and the levels of the water therein :

—
*Monks and
Princes
Risborough
Water Order.*

(5) Any question or dispute arising under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

10. The following provisions for the protection of the county council of the administrative county of Buckingham (in this section referred to as "the county council") shall unless otherwise agreed between the Undertakers and the county council have effect with respect to the exercise by the Undertakers of their powers under this order :—

For protec-
tion of Bucks
county
council.

(1) In this section unless the context otherwise requires the expressions "road" and "bridge" mean respectively a road and a bridge under the management or control of the county council and the expression "approach" means the approach to any such bridge :

(2) Section 30 of the Waterworks Clauses Act 1847 as incorporated with this order shall in relation to any road bridge or approach have effect as if the word "fourteen" were substituted for the word "three" in that section :

(3) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid in or along any road or in or upon or across any bridge or approach shall be laid in such position as the county council in writing under the hand of their surveyor may reasonably direct :

(4) If the county council desire to alter the level of or deviate any road or the approaches to any bridge in or along which any mains pipes or works of the Undertakers shall have been laid and such alteration or deviation would vary to a greater extent than nine inches the cover of or otherwise materially affect such mains pipes or works the county council shall give notice in writing to the Undertakers under the hand of the clerk or surveyor to the county council and the Undertakers shall

[Ch. lxxii.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

A.D. 1935.

—
*Monks and
Princes
Risborough
Water Order.*

with all reasonable dispatch on receiving further notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined in the manner prescribed in this section and the county council shall repay to the Undertakers the expenses reasonably incurred by the Undertakers in effecting any such alteration of the position of any such mains pipes or works :

- (5) If the county council desire at any time to remove alter rebuild widen or repair any bridge or the roadway over the same over or near or attached to which any mains pipes or works of the Undertakers constructed after the commencement of this order are carried in the same manner as the county council might have removed altered rebuilt widened or repaired such bridge or the roadway over the same if this order had not been made and the said mains pipes or works had not been laid over or near or attached to such bridge the county council shall not save as required by section 39 of the Local Government Act 1929 make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same over or near or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Undertakers shall at their own cost in all things alter the position of any works by which such mains or pipes are carried over or near or attached to such bridge or the roadway over the same :

Provided that during the removal alteration rebuilding widening or reparation of such bridge or the roadway over the same as aforesaid the county council shall afford all reasonable facilities to enable the Undertakers temporarily to carry such mains and pipes across any stream or brook so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes :

- (6) All works shall be so executed by the Undertakers as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any road or over any bridge or approach and no greater consecutive length than two hundred yards of any road bridge or approach shall be broken up at any one time :

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxii.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

- (7) If the county council shall within seven days after the receipt by them of any notice by the Undertakers of their intention to execute any works affecting any road or bridge give written notice to the Undertakers of such their desire the Undertakers shall under the supervision (if given) and to the reasonable satisfaction of the county surveyor fill in any trench or excavation made by them in connection with such works to the height of eight inches from the level of the surface so broken up and the county council shall forthwith fill in the remainder of the trench or excavation and reinstate and make good the surface of the portion of the roadway broken up by the Undertakers and upon the completion of such filling in reinstatement and making good by the county council the Undertakers shall repay to the county council the reasonable expenses incurred by them in such filling and reinstatement and making good with materials of the same substance and character and so far as practicable with the same material as that with which such portion was made up immediately before the roadway was so broken up :

If any subsidence of the surface of the roadway so filled in and reinstated shall occur within twelve months after the reinstatement the Undertakers shall if the county council so require repay to them all expenses of the county council incident to the making good of such subsidence :

- (8) The county council shall not except in case of their negligence be liable for or in respect of any damage or injury done to any main pipe or work of the Undertakers laid or fixed in or upon the metalled portion of any main road or county bridge arising from the use by the county council in the exercise or performance of their powers or duties in regard to the maintenance or repair of roads or bridges of a steam or other roller not exceeding fifteen tons in weight :
- (9) If any difference shall arise under this section the same shall be determined by an arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

A.D. 1935.
—
*Monks and
Princes
Risborough
Water Order.*

[Ch. lxxii.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

A.D. 1935.

PART III.

*Monks and
Princes
Risborough
Water Order.*
Extension of
limits of
supply.

SUPPLY OF WATER.

11.—(1) The limits within which the Undertakers may supply water shall extend to and include in addition to the existing limits the following :—

In the rural district of Wycombe in the county of Buckingham—

The parish of Ellesborough.

The parish of Great and Little Hampden except so much thereof as prior to the Bucks Review Order 1934 formed part of the parish of Monks Risborough.

The parish of Bledlow-cum-Saunderton except so much thereof as prior to the Bucks Review Order 1934 formed part of the parish of Horsendon and except so much thereof as lies to the south of an imaginary line commencing at the point where the Upper Icknield Way crosses the boundary between that parish and the parish of Chinnor thence drawn in an easterly direction along the south side of the Upper Icknield Way for a distance of 320 yards thence in a south-easterly direction to the boundary between the former parishes of Bledlow and Saunderton as constituted prior to the Bucks Review Order 1934.

The parish of Longwick-cum-Ilmer except so much thereof as prior to the Bucks Review Order 1934 formed parts of the parishes of Monks Risborough Princes Risborough and Horsendon.

(2) Subject to the provisions of this order the Undertakers shall have and may exercise within the added limits all and the like powers rights privileges and authorities for and in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing limits.

Power to
district
council to
supply water
in case Un-
dertakers
fail to sup-
ply.

12.—(1) If after the expiration of five years from the commencement of this order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this order throughout the added limits the Wycombe rural district council may provide a supply in accordance with the provisions of the Public Health Act 1875 or the district council or any company body or person may apply for an Act of Parliament or provisional order for the purpose of supplying water in any part of the added limits not sufficiently supplied by the Undertakers and for the repeal of the powers of the Undertakers in that behalf.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxii.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

(2) If any difference shall arise between the Undertakers and the Wycombe rural district council or any such company body or person as to the sufficiency of the supply of water in any part of the added limits such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister.

A.D. 1935.

—
*Monks and
Princes
Risborough
Water Order.*

13.—(1) Notwithstanding anything in the order of 1925 or this order a person shall not be entitled to demand or continue to receive from the Undertakers a supply of water to any caravan shack hut tent or other like structure unless he has—

Special terms
for supplies
to caravans
&c.

- (a) agreed with the Undertakers to take a supply of water by meter and to pay to the Undertakers such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him; and
- (b) secured to the reasonable satisfaction of the Undertakers by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the cost of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of or incorporated with the order of 1925 or this order the Undertakers shall not (unless authorised so to do by the Minister) supply water to any caravan shack hut tent or other like structure if the local authority for the district in which such caravan shack hut tent or other like structure is situated objects to the supply being given.

14.—(1) Where a person who takes a supply of water for domestic purposes from the Undertakers desires to use the water for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where a horse carriage or motor car is kept the Undertakers may if a hosepipe or other similar apparatus be used charge (except where the water so used is taken by meter) such sum not exceeding twenty-four shillings per annum as they may prescribe and a further sum not exceeding ten shillings per annum for every horse carriage or motor car beyond the first :

Charges for
horses and
washing
vehicles.

[Ch. lxxii.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

A.D. 1935.

—
*Monks and
Princes
Risborough
Water Order.*

Provided that if a standpipe or tap be fixed on such premises but no hosepipe or other similar apparatus be used in connection therewith the Undertakers may charge such sums as they may prescribe not exceeding one half the respective sums chargeable where a hosepipe or other similar apparatus is used.

(2) Any sums chargeable under this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(3) Where water supplied by the Undertakers to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where a horse carriage or motor car is kept the Undertakers may if they think fit require that all water so used by means of any such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

Charges for
supplies for
refrigerating
apparatus
&c.

15.—(1) Before a person who takes a supply of water for domestic purposes from the Undertakers otherwise than by meter installs or commences to use—

- (a) a water-cooled refrigerating apparatus; or
- (b) any apparatus depending while in use upon a supply of continuously running water; or
- (c) any apparatus used for softening water which requires water for cleaning regenerating motive power or similar purposes;

he shall notify the Undertakers in writing and the Undertakers shall be entitled to require that any water supplied by the Undertakers and so used shall—

- (i) be paid for at such rates as may be agreed between the consumer and the Undertakers; or
- (ii) be taken by meter and paid for accordingly and in that event the minimum charge for the water shall be ten shillings per quarter.

(2) No charge shall be made under this section in respect of an apparatus used within the premises for which the supply of water is taken for softening water if one such apparatus only is used and the water softened thereby can be drawn off into a receptacle at one point only and is used solely for purposes for which the domestic rate is paid.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxii.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

A.D. 1935.

(3) Any sum chargeable under this section shall be payable at the same time and dates and be recoverable in all respects with and in the same manner as water rates.

*Monks and
Princes
Risborough
Water Order.*

16. Except as otherwise expressly provided by the order of 1925 or this order the Undertakers shall be entitled to charge for water supplied by meter in any quarter of a year a minimum sum (exclusive of meter rent) which shall not be less than ten shillings.

Minimum
charge for
water sup-
plied by
meter.

17.—(1) Notwithstanding anything in the Waterworks Clauses Act 1847—

As to dates
for payment
of water
rates.

(a) the Undertakers shall be entitled to demand payment of water rates in advance by equal quarterly payments on the first day of January the first day of April the first day of July and the first day of October;

(b) the rates leviable by the Undertakers for water supplied for domestic purposes shall if the Undertakers so determine be paid half-yearly one quarter in arrear and one quarter in advance on the first day of January and on the first day of July:

Provided that any person who shall occupy any premises during part only of any half-year in respect of which the rate is so required to be paid shall be liable for a part of the rate proportionate to that part of the half-year and if any such person shall have paid to the Undertakers a greater part of such rate the balance shall be refunded to him by the Undertakers.

(2) Particulars as to the effect of the provisions of this section shall be endorsed on all demand notes for the payment of rates served by the Undertakers.

18. In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Undertakers.

Erroneous
registration
of meters.

19. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Undertakers who shall without the authority of the Undertakers turn on any valve cock or other work or apparatus attached to any service main or pipe

Penalty for
opening
valves &c.

[Ch. lxxii.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

A.D. 1935.

—
*Monks and
Princes
Risborough
Water Order.*
Rates
payable by
owners of
small houses.

connected with any main of the Undertakers and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

20.—(1) Where the net annual value of a house supplied with water does not exceed fifteen pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered by the Undertakers from the occupier and may if so recovered and if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner:

Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) The provisions of section 73 (Tenants under existing leases to repay the owner) of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of this section by the owner of any house and as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the commencement of this order.

Extension
of powers
for pre-
venting
waste &c.
of water.

21.—(1) In addition to the powers conferred by article 31 (Byelaws for preventing waste &c. of water) of the order of 1925 the Undertakers may make byelaws as to the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus and prescribing the charge for such testing and stamping.

(2) All such byelaws shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and those sections shall for the purposes of this section be construed as if the Undertakers were a local authority within the meaning of those sections and the secretary of the Undertakers were the clerk of the local authority The confirming authority for the purposes of the said section 250 shall be the Minister.

(3) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any pipes or fittings used on any premises which form part of the railway of a railway company or railway committee so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Undertakers.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxii.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

(4) Any person who shall forge or counterfeit any stamp or mark used by the Undertakers or by the authority of the Undertakers for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

A.D. 1935.

—
*Monks and
Princes
Risborough
Water Order.*

22. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Undertakers may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Undertakers in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or making an examination under that section or this section he shall for every such offence be liable to a penalty not exceeding five pounds :

Extension of
power to
inspect
premises.

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

23. The sections of the Waterworks Clauses Act 1847 relating to fireplugs shall in their application to the Undertakers and to any urban or rural district within the limits of supply have effect as if the council of such district were therein substituted for the town commissioners and as if the reference in section 38 of the said Act to the proper position or number of fireplugs included a reference to the pattern and price of the fireplugs :

Provisions as
to fireplugs.

Provided that if the pattern of any fireplug which may in case of any difference of opinion be settled under the provisions of the said section 38 shall cause or allow a waste of water or an access of air to the mains of the Undertakers then the Undertakers may have the same removed and the expense of such removal shall be borne by the district council affected and the Undertakers in equal shares.

PART IV.

FINANCIAL.

24. Notwithstanding the limitation prescribed by the order of 1925 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking the Undertakers may raise for those purposes further share capital (in this order referred to as "additional capital") not exceeding fifty thousand pounds including the premiums (if any) on the issue thereof and the share capital of the Undertakers for the purposes of the undertaking shall not exceed in the whole sixty-five thousand pounds including such premiums.

Additional
capital.

[Ch. lxxii.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

A.D. 1935.
—
*Monks and
Princes
Risborough
Water Order.*
Limits of
dividend on
capital.

25. The Undertakers shall not in any one year pay out of their profits any larger dividend on the new capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

New capital
to be sold by
auction or
tender.

26.—(1) All share capital issued by the Undertakers after the commencement of this order shall be issued in accordance with the provisions of this section.

(2) All shares so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the directors shall from time to time determine :

Provided as follows:—

- (a) Notice of the intended sale shall be given in writing to the clerk of the county council of Buckingham and to the clerk of the council of every urban and rural district wholly or partly included within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Minister not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) In the case of a sale by auction no lot offered for sale shall comprise shares of greater nominal value than one hundred pounds and no bid (other than a first bid) shall be recognised unless it is in advance of the last preceding bid;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of ordinary or preference shares of the Undertakers may be accepted in preference to the offer of the same sum by any person not such a holder as

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxii.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

aforesaid and preference may in like manner be given to the offer of any employee or of any consumer of water supplied by the Undertakers;

- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares which have been so offered for sale and are not sold may be offered at the reserve price in manner prescribed by a resolution of the directors to the holders of ordinary and preference shares of the Undertakers and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the directors may think fit or to one or more of those classes of persons only :

Provided that in the case of an offer to holders of shares if the aggregate amount of shares applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Nothing in this order shall be deemed to authorise the issue of any shares at a discount except as provided by the Companies Act 1929.

(5) Any shares which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold may be disposed of for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine.

(6) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Minister stating the total amount of each class of shares sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of shares.

27. All moneys including premiums raised under this order shall be applied only to the purposes of the undertaking to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares under the provisions of this order shall not be considered as part of the capital of the Undertakers entitled to dividend.

28. The amount of all money borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole three-fourths of the amount of the capital of the Undertakers for the purposes of the undertaking at the time actually raised by the issue of shares including any premiums that

A.D. 1935.

—
*Monks and
Princes
Risborough
Water Order.*

Application
of moneys.

Limits of
borrowing
powers.

[Ch. lxxii.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

A.D. 1935. may have been or may be obtained on the sale of any such shares
and no higher rate of interest than six per centum per annum shall
be paid by the Undertakers without the consent of the Minister in
respect of any moneys borrowed by the Undertakers after the
commencement of this order and secured as aforesaid.

*Monks and
Princes
Risborough
Water Order.*

PART V.

MISCELLANEOUS.

Copy of con-
firmation
Act to be
registered.

29.—(1) The Undertakers shall deliver to the Registrar of Companies a printed copy of the Act passed for the confirmation of this order and he shall retain and register the same and if such copy is not so delivered within three months from the passing of that Act the Undertakers shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Undertakers who knowingly and wilfully authorises such default shall incur a like penalty. Every penalty under this section shall be recoverable summarily.

(2) There shall be paid to the Registrar by the Undertakers on such copy being registered the like fee as is for the time being payable under the Companies Act 1929 on registration of any document other than a memorandum of association or the abstract required to be delivered to the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding up in England.

Amendment
of order of
1925.

30.—(1) Article 27 of the order of 1925 shall be read and have effect as if the gross estimated rental in the first year of any quinquennial period under the Rating and Valuation Acts were ascertained by the valuation list in force during the last year of the previous quinquennial period.

(2) In article 30 of the order of 1925 for the words "On the application of the Undertakers or of a local authority" there shall be substituted the words "On the application of the Undertakers the county council of Buckingham or of a local authority."

Judges not
disqualified.

31. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or order from time to time relating to the Undertakers by reason of his being liable to the payment of any rate.

Several sums
in one
summons.

32. Where the payment of more than one sum by any person is due under any Act or order for the time being relating to the Undertakers any summons or warrant issued for the purposes of any such Act or order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxii.]
*Provisional Order Confirmation (Monks and Princes
Risborough Water) Act, 1935.*

A.D. 1935.

—
*Monks and
Princes
Risborough
Water Order.*

33. Penalties imposed under any Act or order for the time being relating to the Undertakers for one and the same offence shall not be cumulative.

Penalties not cumulative.

34. The following provisions of the order of 1925 are hereby repealed :—

Repeal.

Article 26 (For protection of Buckingham county council);

Article 34 (Charges for supply by hosepipe);

Article 35 (Rates payable by owners of small houses);

Article 56 (Penalties not cumulative);

Article 57 (Several sums in one summons);

Article 58 (Judges not disqualified).

35. All costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this order and otherwise in relation thereto shall be paid by the Undertakers and may be defrayed wholly or partly out of revenue.

Costs of order.

Printed by EYRE AND SPOTTISWOODE LIMITED

FOR

SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses :
Astral House, Kingsway, London, W.C. 2; 120 George Street, Edinburgh 2;
York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any Bookseller

