



## CHAPTER lxxi.

An Act to confirm a Provisional Order of the Minister of Health relating to the Harpenden Water Company Limited. [2nd August 1935.] A.D. 1935.

**W**HEREAS 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 (Harpenden Water) Act 1935. Short title.

[Ch. lxxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

SCHEDULE.

*Harpenden*  
*Water*  
*Order.*

HARPENDEN WATER.

*Provisional order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 empowering the Harpenden Water Company Limited 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 and  
collective  
titles.

1.—(1) This order may be cited as the Harpenden Water Order 1935.

(2) The Harpenden Water Orders 1889 to 1926 and this order may be cited together as the Harpenden Water Orders 1889 to 1935.

Commence-  
ment of  
order.

2. This order shall come into operation upon the date of the passing of the Act of Parliament confirming it.

Incorpora-  
tion of Acts.

3.—(1) The following enactments (so far as the same are applicable for the purposes and are not inconsistent with the provisions of the Harpenden Water Orders 1889 to 1935) are hereby incorporated with this order namely :—

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);

The Waterworks Clauses Acts 1847 and 1863 (except the words “with the consent in writing of the owner or “reputed owner of any such house or of the agent of such “owner” in section 44 of the Waterworks Clauses Act 1847):

Provided that section 35 of the Waterworks Clauses Act 1847 in its application to the Undertakers shall be read and construed

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxi.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

as if the words "one-eighth part" were substituted therein for the words "one-tenth part." A.D. 1935.

(2) In the construction of the enactments so incorporated with this order the expression "special Act" shall be read as a reference to this order and the expression "Company" shall mean the Undertakers.

*Harpenden  
Water  
Order.*

4.—(1) In this order the several words terms and expressions to which by the enactments incorporated with this order or by the Gas and Water Works Facilities Act 1870 meanings are assigned shall unless the context otherwise requires have the same respective meanings. Interpretation.

(2) In this order unless the context otherwise requires—

"employee" means any workman servant or officer of the Undertakers other than a director;

"the commencement of this order" means the date upon which this order comes into operation;

"the Undertakers" means the Harpenden Water Company Limited;

"the undertaking" means the water undertaking of the Undertakers as for the time being authorised by any Act or order;

"the directors" means the directors of the Undertakers;

"the limits of supply" means the limits within which the Undertakers are for the time being authorised to supply water;

"the Minister" means the Minister of Health;

"the order of 1889" means the Harpenden Water Order 1889 as confirmed by the Water Orders Confirmation Act 1889;

"the order of 1899" means the Harpenden Water Order 1899 as confirmed by the Water Orders Confirmation Act 1899;

"the order of 1926" means the Harpenden Water Order 1926 as confirmed by the Ministry of Health Provisional Orders Confirmation (No. 8) Act 1926.

## PART II.

### LANDS.

5.—(1) In addition to any lands which the Undertakers are under the order of 1889 and the order of 1926 authorised to acquire and hold the Undertakers may from time to time by agreement Purchase of additional lands by agreement.

[Ch. lxxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

purchase take on lease or otherwise acquire and may hold and use for the purposes of the undertaking any lands and any easements rights or privileges (not being an easement right or privilege of water in which persons other than the parties to the easement have an interest) in over or under any lands which they may from time to time require :

Provided that the total quantity of land held by the Undertakers at any one time under this section shall not exceed ten acres.

(2) The Undertakers shall not on any lands so acquired so long as the same are held by them create or permit a nuisance or erect or authorise the erection thereon of any houses or similar buildings except offices and dwellings for employees and such buildings as may be required for the purposes of or in connection with the undertaking.

Land for pro-  
tection of  
waters and  
waterworks.

6.—(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 fifty 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 erect any buildings thereon except offices and dwellings for employees and such buildings and works as may be incidental 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 within any area in or through which any waters which may be taken by the Undertakers arise or flow 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 powers conferred by this section shall not authorise the grant or enclosure of common land without the consent of the Minister of Agriculture and Fisheries.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxi.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

(4) Nothing contained in this section shall authorise the Undertakers to discharge any foul waters or other offensive or injurious matter (either solid or liquid) into the River Lee or its tributaries as defined by section 3 of the Lee Conservancy Act 1868.

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

7.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act to the contrary the Undertakers may—

Power to  
retain sell  
&c. lands.

(a) retain hold and use for the purposes of the undertaking for such time as they think fit any lands for the time being belonging to them;

(b) from time to time sell lease exchange or otherwise dispose of the lands to such persons in such manner for such consideration and on such terms and conditions as they think fit; and

(c) execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition.

(2) Upon any sale lease exchange or disposition of lands authorised by this section the Undertakers may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with respect to the use of water the exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

(3) Nothing in this section shall release the Undertakers or any person purchasing or acquiring any land from them under this section from any rents covenants restrictions terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Undertakers or any person from whom or through whom the Undertakers may have derived or may derive title to the same.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this order and of any Acts or orders relating to the Undertakers lease any such lands to the Undertakers and may grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of the undertaking in over or affecting any such lands and the provisions of the Lands Clauses 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.

Persons  
under  
disability  
may grant  
easements  
&c.

[Ch. lxxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

PART III.

*Harpenden  
Water  
Order.*

FINANCIAL PROVISIONS.

New capital.

9. The limitation prescribed by the order of 1889 as varied by the order of 1899 and the order of 1926 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for the purposes of the undertaking further share capital (in this order referred to as "new capital") not exceeding thirty thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this order :

Provided that the share capital of the Undertakers for the purposes of the undertaking shall not exceed in the whole seventy-eight thousand pounds.

Limits of  
dividend on  
capital.

10. The Undertakers shall not in any one year pay out of their profits any larger dividend on the new capital than five 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 five 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.

Sale of shares  
by auction or  
tender.

11.—(1) Subject to the provisions of the Companies Act 1929 and save as otherwise expressly provided by this order all shares hereafter issued by the Undertakers for the purposes of the undertaking 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 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 newspaper or 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

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxi.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

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 reception of tenders as the case may be;

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

- (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 a bid shall not 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 shares of the Undertakers may be accepted in preference to the offer of the same sum by any person not such a holder 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 passed by the directors to the holders of shares of the Undertakers in respect of the undertaking and to the employees 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 these classes of persons only :

Provided that in the case of an offer to holders of shares if the aggregate amount of any class of shares applied for shall exceed the amount thereof 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) 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.

(5) 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 (if any) obtained as premium in each case and the highest and lowest prices obtained for each class of shares.

[Ch. lxxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

Special  
provision  
for benefit  
of small  
investors.

(6) 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.

12. Notwithstanding anything in the section of this order of which the marginal note is "Sale of shares by auction or tender" but subject nevertheless to the provisions of the Companies Act 1929 the directors may with the approval of a resolution of a general meeting of the Undertakers reserve a proportion not exceeding one-fourth of each issue of shares for the purposes of the undertaking for exclusive offer in the first instance to employees and to consumers of water supplied by the Undertakers at such price and upon such terms and conditions as to payment therefor and the payment of dividends thereon until the same become fully paid as the directors may prescribe :

Provided that every allotment of shares under this section shall be at a price not less than the reserve price at which the like class of shares of the same issue shall be offered under the provisions of the said section of this order.

Sale of shares  
to employees  
and con-  
sumers at a  
fixed price.

13. When any shares are to be issued by the Undertakers for the purposes of the undertaking the Undertakers before or in lieu of offering the shares for sale by public auction or tender may with the previous approval of the Minister and subject to the provisions of the Companies Act 1929 and to such conditions as the Minister may think fit to impose offer such shares to employees and to consumers of water supplied by the Undertakers at not less than the average price (after due allowance made for any enhancement in price by reason of any accrued dividend) at which according to the books of the Undertakers sales of shares of the same class were effected within the period of six months immediately preceding the date of application by the Undertakers for such approval as aforesaid or if there has been only one sale or no sale of such shares during such period then the price at which the last sale of such shares was effected making due allowance not exceeding five per centum for any probable change in value since such date due to the accrual or payment of dividend or any other cause.

Power to  
offer shares  
for subscrip-  
tion by  
public.

14. Notwithstanding anything in any Act or order relating to the Undertakers the Undertakers may with the approval of the Minister and subject to such conditions as the Minister may think fit to impose offer for subscription by the public any shares which they may for the time being be authorised to issue.

Power to  
grant  
pensions &c.

15.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they think fit to any employee or where in any particular case no adequate provision is in their opinion otherwise made to the widow or family or any dependant of an employee.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxi.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

(2) The directors may enter into and carry into effect agreements with any local authority as defined by the Local Government and other Officers' Superannuation Act 1922 to which that Act applies or with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions superannuation allowances or payments as are by this section authorised to be granted or made.

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

(3) The directors may subscribe or make donations to infirmaries hospitals convalescent homes and other institutions which would be for the benefit of the employees and to the benevolent and sick funds of the employees.

(4) The directors may apply the revenues of the undertaking for the purposes of this section.

16. All moneys raised under this order including premiums shall be applied only to 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.

Application  
of money.

17. It shall be lawful for the Undertakers in respect of the undertaking to carry forward at the end of any year to the credit of the profit and loss (net revenue) account any sum not exceeding the total of the following amounts that is to say :—

Limitation  
on carry  
forward.

- (a) The amount required by the Undertakers for paying any dividend or interest which the Undertakers are entitled or required to pay but have not paid in respect of that year ;
- (b) An amount equal to the total sum which the Undertakers would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year ; and
- (c) An amount equal to the total sum which the Undertakers will be required to pay during the next following year as interest on any mortgages debentures or debenture stock.

18.—(1) The directors may if they think fit in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of the section of this order of which the marginal note is " Limit on reserve and contingency funds ") and any sums so set apart may from time to time be invested in investments in which trustees are authorised by law to invest or in such other manner as shall be authorised by a resolution of the directors and the dividends and interest arising from such investments may also be invested in the same or like investments in order that the same may accumulate at compound interest The fund so formed shall form a reserve fund to answer

Reserve  
fund.

[Ch. lxxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Undertakers and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by the section of this order of which the marginal note is "Limit on reserve and contingency funds" and so from time to time as often as such reduction shall happen :

Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim or demand within the meaning of this section.

(2) The amount standing to the credit of the reserved fund of the Undertakers at the commencement of this order shall be credited to the reserve fund authorised by this section.

(3) Save as in this section provided no sum shall be carried by the Undertakers in any year to any reserve fund in respect of the undertaking.

Contingency  
fund.

19. The directors may if they think fit in any year appropriate out of the revenue of the undertaking as part of the expenditure on revenue account such sum as they may determine (subject to the provisions of the section of this order of which the marginal note is "Limit on reserve and contingency funds") to a fund to be called "the contingency fund" which fund shall be applicable to meet contingencies or for renewing repairing or improving the works connected with the undertaking or any part thereof.

Limit on  
reserve and  
contingency  
funds.

20.—(1) The aggregate amount which may be carried in any year to any reserve fund formed in pursuance of the section of this order of which the marginal note is "Reserve fund" and to any contingency fund formed in pursuance of the immediately preceding section of this order shall not together exceed a sum equal to one and a half per centum of the capital for the time being expended by the Undertakers for the purposes of the undertaking.

(2) The aggregate amount standing to the credit of any such reserve fund and contingency fund of the Undertakers as aforesaid shall not together at any time exceed a sum equal to fifteen per centum of the capital for the time being expended by the Undertakers for the purposes of the undertaking.

PART IV.

SUPPLY OF WATER &C.

Rates  
leviable  
half-yearly.

21.—(1) Notwithstanding anything in the Waterworks Clauses Act 1847 or in the existing orders relating to the Undertakers or this order the rates leviable by the Undertakers for

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxi.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

water supplied for domestic purposes shall if the Undertakers so determine be paid half-yearly one-quarter in arrear and one-quarter in advance at Christmas Day and Midsummer Day or at Lady Day and Michaelmas Day :

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

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.

22.—(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 :

Rates  
payable by  
owners of  
small houses,

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.

23. Where two or more houses or buildings connected by any means of communication not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of water rate chargeable by the Undertakers in respect of any supply of water for domestic purposes furnished by the Undertakers to any one or more of such two or more houses or buildings to be one tenement having a net annual value equal to the aggregate of the net annual values of the separate houses or buildings so occupied.

As to net  
annual value  
of two or  
more houses  
in one  
occupation.

[Ch. lxxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

Price of  
supply by  
measure.

24. The order of 1926 shall be read and have effect as if for section 36 (Price of supply by measure) the following provision were substituted :—

36. The price to be charged by the Undertakers for a supply of water by measure shall not exceed the following :—

Where the quantity of the supply in any quarter of a year does not exceed twelve thousand five hundred gallons two shillings per thousand gallons ;

Where the quantity of the supply in any quarter of a year exceeds twelve thousand five hundred gallons but does not exceed twenty-five thousand gallons two shillings per thousand gallons for the first twelve thousand five hundred gallons and one shilling and sixpence per thousand gallons for all in excess of twelve thousand five hundred gallons ;

Where the quantity of the supply in any quarter of a year exceeds twenty-five thousand gallons two shillings per thousand gallons for the first twelve thousand five hundred gallons one shilling and sixpence for the next twelve thousand five hundred gallons and one shilling per thousand gallons for all in excess of twenty-five thousand gallons.

Supply to  
certain  
premises.

25.—(1) The Undertakers shall not be bound to supply with water otherwise than by measure—

- (a) any building used by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required ; or
- (b) any hospital (whether public or private) or any nursing home sanatorium school club hotel public-house restaurant or inn ; or
- (c) any boarding-house capable of accommodating at least twelve persons ; or
- (d) any public institution which is habitually occupied by at least twelve persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by measure and paid for accordingly but nothing in this section shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the net annual value thereof.

(3) The minimum quarterly charge exclusive of meter rents for a supply of water by measure to any of the premises in this

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxi.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

26.—(1) Where water supplied for domestic purposes otherwise than by measure is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Undertakers may if a hosepipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first.

Charges for supply by hosepipe.

(2) The additional sums chargeable under this section shall be payable in advance and be recoverable in all respects with and in the same manner as the rate for the supply of water for domestic purposes to the premises.

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

27.—(1) Where a person who takes a supply of water for domestic purposes from the Undertakers otherwise than by measure desires to use any of the water so supplied for—

Charges for supplies for refrigerating apparatus &c.

- (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;

the Undertakers may if they think fit require that all water so used shall—

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

(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

[Ch. lxxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

Minimum  
charge for  
supply by  
measure.

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.

28. Notwithstanding anything in any Act or order relating to the Undertakers the Undertakers shall be entitled to charge for each supply of water by measure (other than a supply given under the sections of this order of which the marginal notes are respectively "Supply to certain premises" and "Charges for supplies for refrigerating apparatus &c.") such minimum sum not exceeding fifteen shillings as they may prescribe in respect of the water supplied in any quarter of a year.

As to streets  
forming  
boundary of  
limits of  
supply.

29.—(1) Where the limits of supply are bounded by or abut upon any street or part of a street wholly outside those limits the Undertakers may for the purpose of supplying water to the owner or occupier of any premises abutting upon that street or part of a street and being within the limits of supply exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the limits of supply subject nevertheless to the observance of the conditions imposed on an exercise of those powers within the said limits.

(2) The owner and occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Undertakers and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street or part of a street were wholly within the limits of supply.

(3) Nothing in this section shall entitle or require the Undertakers to supply water to the owner or occupier of any premises abutting upon any such street and being outside the limits of supply.

(4) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

Separate  
communica-  
tion pipes  
may be  
required.

30.—(1) The Undertakers shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit by a notice in writing require the owner of any house to lay a separate pipe from the main pipe into that house.

(2) If the owner of any house supplied with water by the Undertakers fails within a period of one month after the receipt

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxi.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

of a notice under subsection (1) of this section to provide a separate pipe from the main pipe into that house the Undertakers may themselves do the work and may recover from that owner the reasonable cost so incurred by them summarily as a civil debt.

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

31. Notwithstanding anything contained in any Act or order relating to the Undertakers the Undertakers shall have the exclusive right of executing any works on any of the water mains of the Undertakers for connecting any communication pipe therewith and the Undertakers shall at the request of any owner or occupier of any premises who is entitled to be supplied with water by the Undertakers execute on any such main (subject to the provisions as far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and the reasonable expenses incurred by the Undertakers in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Undertakers  
to connect  
communication  
pipes  
with mains.

32.—(1) In the case of all new buildings (the erection of which is commenced after the commencement of this order) connected with the mains of the Undertakers the Undertakers may in cases where the communication pipes are laid by the person requiring the supply or by the Undertakers at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position as near as reasonably possible to the point at which such pipe passes the boundary of the street or to the point at which such pipe enters the said premises in or under the street whichever of those points is the nearer to the main of the Undertakers from which the supply is given to the said premises and if such person fails to comply with such requirement the Undertakers may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

Stop-cocks  
&c. to be  
fitted in  
communication  
pipes.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises within the limits of supply the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Undertakers may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose

[Ch. lxxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

authorised to open or break up any street execute such works on behalf of such person and any expenses reasonably incurred by the Undertakers in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

(4) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

Byelaws for  
preventing  
waste &c. of  
water.

33.—(1) The Undertakers may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water supplied by them and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soilpans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination of water.

(2) Such byelaws shall apply only in the case of premises to which the Undertakers are bound to afford and do afford or are prepared on demand to afford a constant supply.

(3) 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 provisions 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.

(4) The byelaws made by the Undertakers under this section shall not apply to any water fittings used on the premises of a railway company (other than premises to which the Undertakers are bound under the Waterworks Clauses Act 1847 to afford a constant supply) so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Undertakers.

(5) In case of failure of any person to observe such byelaws as are for the time being in force the Undertakers may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the reasonable expense of every such repair replacement or alteration shall be recoverable by the Undertakers from the person in default as the water rates in respect of the premises are recoverable.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxi.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

34.—(1) In addition to the powers conferred by the section of this order of which the marginal note is “ Byelaws for preventing waste &c. of water ” 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 and 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 provisions shall for the purpose 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 purpose of the said section 250 shall be the Minister.

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

Extension of powers for preventing waste &c. of water.

(2) 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 so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Undertakers.

(3) 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.

35. The Undertakers may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to sell or let meters &c.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Undertakers to let for hire any fittings to any person supplied by them with water.

36. If any meter used by a consumer of water be proved to register erroneously the 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 and the amount of the allowance to be made to the consumer or of the surcharge to be made upon him by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall in the case of a surcharge be recoverable in the like manner as rates for water are recoverable by the Undertakers.

Period of error in defective meters.

37.—(1) Every person who—

(a) wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers; or

Injuring meters &c.

[Ch. lxxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

—  
*Harpenden*  
*Water*  
*Order.*

(b) fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied; or

(c) fraudulently abstracts consumes or uses water of the Undertakers;

shall (without prejudice to any other right or remedy for the protection of the Undertakers) be liable to a penalty for every such offence not exceeding five pounds and the Undertakers may in addition thereto recover from the person so offending the amount of any damage by them sustained.

(2) When any person has been convicted of an offence under subsection (1) of this section the Undertakers may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Undertakers by the person so offending and may be recovered by them as water rates are recoverable.

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

Penalty for  
opening  
valves &c.

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

Extension of  
power to  
inspect  
premises.

39. 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 of the 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

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxi.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

under the said section 57 or under this section or from making an examination under that section or this section he shall for every such offence be liable to a penalty not exceeding five pounds :

A.D. 1935.

—  
*Harpenden  
Water  
Order.*

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

40. The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair and alter but shall not manufacture any such pipes valves cocks cisterns baths meters soilpans waterclosets and other fittings as are required or permitted by their regulations or bye-laws and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such works shall be paid by the person requiring the same.

Power to  
supply  
materials.

41.—(1) If any fittings let for hire by the Undertakers shall bear either a distinguishing metal plate affixed to them or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners of the fittings those fittings shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be.

Fittings let  
for hire not  
to be subject  
to distress  
&c.

(2) All fittings let for hire by the Undertakers notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises shall if they bear a plate brand or mark such as is mentioned in subsection (1) of this section at all times continue to be the property of and removable by the Undertakers :

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

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

Entry on  
premises to  
remove  
meters  
fittings &c.

[Ch. lxxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

PART V.

MISCELLANEOUS.

*Harpenden  
Water  
Order.*

Several sums  
in one  
summons or  
warrant.

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

Justices not  
disqualified.

44. 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.

Penalties not  
cumulative.

45. 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.

Copy of  
confirmation  
Act to be  
registered.

46.—(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.

Inquiries and  
expenses.

47. The Minister may direct any inquiries to be held by his inspectors which he may deem necessary for the purposes of his powers under this order and section 290 of the Local Government Act 1933 shall apply as if the Undertakers were a local authority and as if this order were an enactment relating to the functions of a local authority.

Repeal.

48. The orders mentioned in the schedule to this order are hereby repealed to the extent shown in the second column of that schedule.

Costs of  
order.

49. All costs charges and expenses of and incidental to the application for this order and the preparation making and confirmation of this order shall be paid by the Undertakers and may in whole or in part be defrayed out of revenue.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxi.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

SCHEDULE.

A.D. 1935.

*Harpenden  
Water  
Order.*

Order. 1.	Extent of repeal. 2.	Subject-matter of repealed provisions. 3.
<p>The Harpenden Water Order 1889 as confirmed by the Water Orders Confirmation Act 1889 (52 &amp; 53 Vict. c. lxxv).</p>	<p>Section 4 (so far as it relates to the definition of the expressions "superior court" and "court of competent jurisdiction").                      Section 10 - -                      Section 12 - -                      Section 18 - -                      Section 19 - -                      Section 20 - -                      Section 21 - -                      Section 27 - -                      Section 28 - -                      Section 29 - -                      Section 30 - -                      Section 31 - -                      Section 32 - -                      Section 33 - -                      Section 34 - -                      Section 35 - -</p>	<p>Interpretation.                      Water undertaking to be personal property.                      Persons under disability may grant easements &amp;c. to Undertakers.                      Regulations for preventing waste of water.                      Publication of regulations.                      Evidence of regulations.                      Power for Undertakers to repair or alter pipes &amp;c. where regulations not complied with.                      Where several houses supplied by one pipe each to pay.                      Supply of water to tenements in a row.                      Injuring meters &amp;c.                      Misuser where supply to several houses is by a pipe common to all.                      Incoming tenant not liable to pay arrears.                      Several names in one summons.                      Warrant of distress to include costs.                      Liability to water rate not to disqualify justices &amp;c. from acting.                      8 Vict. c. 16. s. 140 incorporated.</p>
<p>The Harpenden Water Order 1899 as confirmed by the Water Orders Confirmation Act 1899 (62 &amp; 63 Vict. c. cxliv).</p>	<p>Section 7 - -                      Section 8 - -</p>	<p>New shares or stock to be offered by auction or tender.                      When proprietor tenders same amount as any other person proprietor to be declared the purchaser.</p>

[Ch. Ixxi.] *Ministry of Health* [25 & 26 GEO. 5.]  
*Provisional Order Confirmation (Harpenden Water)*  
*Act, 1935.*

A.D. 1935.

SCHEDULE—*continued.*

*Harpenden  
Water  
Order.*

Order. 1.	Extent of repeal. 2.	Subject-matter of repealed provisions. 3.
The Harpenden Water Order 1899— <i>cont.</i>	Section 9 . . . .	Purchase money of capital sold to be paid within three months.
	Section 10 . . . .	Notice to be given as to sale of shares or stock.
	Section 11 . . . .	Shares or stock not sold by auction or by tender to be offered to shareholders.
The Harpenden Water Order 1926 as confirmed by the Ministry of Health Provisional Orders Confirmation (No. 8) Act 1926 (16 & 17 Geo. 5. c. lvii).	Section 8 . . . .	Undertakers may sell lease &c. spare lands.
	Section 18 . . . .	New capital to be sold by auction or tender.
	Section 28 . . . .	Rates payable by owners of certain houses.
	Section 29 . . . .	Fittings let for hire not to be subject to distress.
	Section 30 . . . .	Undertakers not bound to supply several houses by one pipe.
	Section 37 . . . .	Supply to houses partly used for trade.
	Section 38 . . . .	Supply by measure in certain cases.
Section 39 . . . .	Further provisions as to supply by measure for certain purposes.	

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