



CHAPTER liv.

An Act to empower the mayor aldermen and burgesses of the borough of Worthing to construct additional waterworks to extend the respective areas within which the Corporation may supply water and electricity to make further provision in regard to the water electricity baths parks and other undertakings of the Corporation and the health local government and improvement of the borough to consolidate the rates of the borough and for other purposes. A.D. 1922.

[20th July 1922.]

WHEREAS the borough of Worthing in the county of West Sussex is under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation.") and the Corporation acting by the council of the borough are the sanitary authority for the borough with the powers and obligations of an urban sanitary authority :

And whereas the Corporation are the owners of waterworks and are supplying water in the borough and in part of the parish of Durrington :

And whereas the supply of water from the present waterworks of the Corporation is inadequate to meet the present and growing demand of the inhabitants of the area within which the Corporation are supplying water and it is expedient that the Corporation should be empowered to make and maintain the additional waterworks referred to in this Act and to acquire the further waterworks in the said parish of Durrington which are mentioned in the agreement set out in the First Schedule to this Act :

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And whereas it is expedient to extend the limits of the Corporation for the supply of water and to make further provision in regard to the water undertaking of the Corporation :

And whereas under powers conferred upon them by the Worthing Electric Lighting Order 1895 the Corporation are supplying electricity within the borough and it is expedient that the limits for the supply of electricity by the Corporation should be extended and that the further provisions with regard to such supply which are set forth in this Act should be enacted :

And whereas it is expedient to empower the Corporation to erect concert halls and other buildings and to provide and arrange for the provision of entertainments therein and to confer further powers upon the Corporation with regard to their parks and recreation grounds and the foreshore of the borough :

And whereas it is expedient to confer powers upon the Corporation with reference to the provision of Turkish medical seawater freshwater and other baths in the borough :

And whereas it is expedient to make further and better provision with regard to the health local government and improvement of the borough and that the powers of the Corporation in regard thereto should be enlarged as is provided in this Act :

And whereas the parish of Worthing is co-terminous with the borough and it is expedient to make provision for the consolidation of the rates levied in the borough :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For the purchase of lands and easements and for the construction of the waterworks authorised by this Act -	108,400
For new mains extensions of mains and other waterworks purposes - -	15,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of West Sussex which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it 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 :—

PART I.

PRELIMINARY.

1. This Act may be cited as the *Worthing Corporation Act 1922.* Short title.

2. This Act is divided into Parts as follows :—

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Lands and Waterworks.

Part III.—Water Supply.

Part IV.—Electricity.

Part V.—Recreation Grounds Foreshore &c.

Part VI.—Baths.

Part VII.—Streets Buildings Sewers and
Drains.

Part VIII.—Infectious Disease and Sanitary
Provisions.

Part IX.—Police Provisions.

Part X.—Rating Provisions.

Part XI.—Financial Provisions.

Part XII.—Miscellaneous Provisions.

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—
Incorporation of
Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(1) The Lands Clauses Acts with the following exception and modification:—

(A) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act ;

(B) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Waterworks Clauses Act 1847 except—

(A) 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 ;

(B) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(C) Section 83 (with respect to the yearly receipt and expenditure of the undertakers) :

(3) The Waterworks Clauses Act 1863; and

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “ the railway ” means the waterworks authorised by this Act and “ the centre of the railway ” means the centre of such waterworks respectively.

Interpre-
tation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires— A.D. 1922.

“The Corporation” means the mayor aldermen and burgesses of the borough of Worthing;

“The borough” means the borough of Worthing;

“The council” means the council of the borough;

“The town clerk” “the treasurer” “the surveyor” “the medical officer” and “the sanitary inspector” mean respectively the town clerk the treasurer the surveyor the medical officer of health and any sanitary inspector of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

“The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“The water limits” means the limits within which the Corporation are for the time being authorised to supply water;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;

“Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“The parish” means the parish of Worthing;

“The overseers” means the overseers of the poor of the parish;

“The poor rate” means the poor rate for the parish;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or

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of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.

(3) In the construction of the provisions of the Lands Clauses Acts and of the Waterworks Clauses Acts 1847 and 1863 incorporated with this Act the expressions “the promoters of the undertaking” and the “undertakers” mean respectively the Corporation.

PART II.

LANDS AND WATERWORKS.

Power to
maintain
existing
waterworks
and to

5. The Corporation may maintain repair renew alter enlarge and extend their existing pumping stations wells reservoirs mains pipes machinery and other waterworks and may use and employ the same for the purpose of taking

intercepting and impounding water and may by means of those works take intercept and impound any water which if this Act had not been passed might have been taken intercepted or impounded by them and may sell and supply water in accordance with the provisions of this Act.

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supply
water.

6.—(1) Subject to the provisions of this Act and for the purposes of their water undertaking the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to
take lands.

(2) Provided that the Corporation shall not under the provisions of this section enter on take and use the lands numbered on the deposited plans 3 to 19 both inclusive in the parish of Patching and 2 to 10 both inclusive in the parish of Clapham otherwise than in accordance with the terms of an agreement dated the thirty-first day of May nineteen hundred and twenty-two and made between the Right Honourable Edmund Bernard Viscount FitzAlan of Derwent the Most Noble Gwendolen Mary Duchess of Norfolk and Baroness Herries and Sir Charles John Stewart acting on behalf of the Most Noble Bernard Marmaduke Duke of Norfolk Earl Marshal and Hereditary Marshal of England by Guy Percival Tyrwhitt Drake their agent of the one part and the Corporation of the other part or of any further agreement which may be entered into between the Corporation and the owner or owners for the time being of the said lands.

7. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for
compulsory
purchase
of lands.

8.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily and over the lands referred to in subsection (2) of the section of this Act of which the marginal note is "Power to take lands" but subject in the case of the last-mentioned lands to the terms of the agreement referred to in that subsection shall as from the date of the acquisition of such lands respectively by the Corporation be extinguished.

Extinction
of private
rights of
way.

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(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Compensation in case of recently acquired interest.

9. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November nineteen hundred and twenty-one if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Acquisition of easements.

10.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks authorised by this Act (including the works and conveniences authorised by subsection (2) of the section of this Act whereof the marginal note is "Power to make waterworks") where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall be subject to such

easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

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(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they shall have given notice to treat for an easement or right or to impose any such restriction only.

(4) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this provision.

11.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act or of their water undertaking but (except with the consent of the Minister of Health) the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres and the Corporation may on all or any of such additional lands execute for the purposes of or in connexion with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

Purchase of
additional
lands by
agreement.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor 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 their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act

Persons
under
disability
may grant

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—
easements
&c.

grant to the Corporation 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 this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
retain sell
&c. lands.

13. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other local Act for the time being in force in the borough and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds
of sale of
surplus
lands.

14.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or under any other powers and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act or any other Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

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(A) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;

(B) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Any capital moneys received by the Corporation under the section of this Act of which the marginal note is "Power to retain sell &c. lands" on the re-sale or exchange of or by leasing any lands acquired under any local Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

15. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking.

Dwelling-houses for persons employed by Corporation.

16. The Corporation on selling any lands acquired by them in connexion with their water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reserva-tion of water rights &c. on sale.

17.—(1) The agreement made the fifth day of December nineteen hundred and twenty-one between Alfred Charles Jackson of the one part and the Cor-

Confirma-tion of scheduled agreement.

A.D. 1922. — poration of the other part and set forth in the First Schedule to this Act is hereby confirmed and made binding on the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the said parties in writing under seal.

(2) The Corporation may so soon as they are possessed of the same maintain repair renew alter enlarge and extend the pumping station and other waterworks transferred to them in pursuance of the said agreement and this section and may use and employ the same for the purpose of taking intercepting and impounding water and may take intercept and impound any water which if this Act had not been passed might have been taken intercepted or impounded by the said Alfred Charles Jackson.

(3) The Corporation may connect their existing waterworks and any waterworks constructed by them under the powers of this Act with the waterworks transferred to them in pursuance of the said agreement and this section at any time after such last-mentioned works have been so transferred to them.

(4) Subject to the provisions of subsection (5) of this section the Corporation shall continue to afford the supplies of water from the said works which are afforded by the said Alfred Charles Jackson at the date of the passing of this Act but notwithstanding anything contained in this Act the Corporation may if they think fit continue to demand and take in respect of such supplies rates and charges not exceeding the rates and charges which the said Alfred Charles Jackson may demand and take in respect of those supplies under any agreement entered into by him with any company body or person and existing at the passing of this Act or they may demand and take in respect of those supplies the rates and charges for the time being authorised to be demanded and taken by them in the parish of Durrington Provided that the power conferred by this subsection to demand and take the rates and charges firstly above referred to shall cease to have effect so soon as the waterworks transferred to the Corporation by virtue of the scheduled agreement and this section have been connected with the existing waterworks of the Corporation or the waterworks the construction whereof is authorised by this Act.

(5) The pumping station referred to in this section shall not be used by the Corporation for the purpose of taking and intercepting water to be supplied by them for domestic purposes after the expiration of three years from the date of the passing of this Act except with the approval of the Minister of Health.

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18.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described.

Power to
make
waterworks.

The said works will be situate in the county of West Sussex and are :—

Work No. 1 A well and pumping station with boreholes tunnels shafts and other works situate in the parish of Patching in the enclosure numbered 42 on the $\frac{1}{2500}$ Ordnance map sheet LXIII. 4 (edition of 1911) of the said parish ;

Work No. 2 An adit (No. 1) and works connected therewith commencing at the said well and pumping station (Work No. 1) and terminating in the parish of Clapham at a point four hundred and forty yards or thereabouts measured in an easterly direction therefrom ;

Work No. 3 An adit (No. 2) and works connected therewith situate in the said parish of Patching commencing in the said well and pumping station (Work No. 1) and terminating at a point eight hundred and eighty yards or thereabouts measured in a westerly direction therefrom ;

Work No. 4 An adit (No. 3) and works connected therewith situate in the said parish of Patching commencing in the said well and pumping station (Work No. 1) and terminating at a point four hundred and forty yards or thereabouts measured in a northerly direction therefrom ;

Work No. 5. A line or lines of pipes (No. 1) commencing at the said well and pumping station (Work No. 1) passing thence through the parishes of Patching Clapham and Durrington and terminating in the said parish of Durrington at the reservoir of the Corporation at Tenants Hill ;

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Work No. 6 A waste water conduit situate in the said parish of Patching commencing in the highway known as Long Furlong by a junction with Work No. 5 hereinbefore referred to and terminating in the watercourse flowing out of the Patching Fish Pond ;

Work No. 7 A line or lines of pipes (No. 2) commencing in the said parish of Durrington in the main road from Arundel to Worthing by a junction with Work No. 5 hereinbefore referred to passing thence through the parishes of Durrington and Findon and terminating in the said parish of Durrington in the service tank (Work No. 8) next hereinafter described ;

Work No. 8 A service tank situate in the said parish of Durrington in the enclosure numbered 40 in that parish on the $\frac{1}{2500}$ Ordnance map sheet LXIV. 1 (edition of 1911) of that parish.

(2) The Corporation may upon lands acquired by them for the purposes of or in connexion with their water undertaking whether under the provisions of this or any other Act make and maintain all such works and conveniences as they may consider necessary or convenient in connexion with or subsidiary to the waterworks authorised by this Act or the existing or authorised waterworks of the Corporation or for inspecting maintaining repairing cleansing managing working or using the same :

Provided that—

(A) Nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them ;

(B) Any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General.

Limits of deviation.

19. In the construction of the works authorised by this Part of this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed

to be such limits and they may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

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20. If the works authorised by this Part of this Act and delineated on the deposited plans and sections are not completed within the period of ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueduct authorised by this Act lay down additional lines of pipes as and when occasion may require.

Period for completion of works.

21.—(1) The Corporation during the execution of the powers of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such powers and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same.

Temporary stoppage of streets.

(2) The Corporation shall provide reasonable access for foot passengers bonâ fide going to or returning from any such house and reasonable access both for vehicular and pedestrian traffic to any station or depôt of a railway company near to which any works are in course of execution under the powers of this Act.

22. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of their waterworks all such underground springs and waters as will or may be intercepted by the works authorised by this Act or acquired by the Corporation under the provisions thereof.

Power to take waters.

23.—(1) At any time after the Corporation commence the pumping of water from the well Work No. 1 by this Act authorised they shall within six months after receiving notice in writing from the East Preston Rural District Council (in this section called "the council") requiring them so to do supply water in bulk to the council to be used by them for the supply of those parts of the council's district which are beyond the water

As to supply of water to East Preston Rural District Council.

A.D. 1922. limits and are not within the limits for the supply of water of the Littlehampton Urban District Council such daily quantity as the council shall from time to time require up to a total maximum amount of not exceeding one hundred thousand gallons per day provided that the council if they shall so require a supply shall take or pay for as taken a minimum quantity of not less than thirty-five thousand gallons per day.

(2) Such supply shall be delivered at such point or points on the Corporation water mains as may be agreed upon between the Corporation and the council or as failing agreement may be determined by arbitration as provided by this section. Provided that in the event of the question having to be determined by arbitration the arbitrator shall not be entitled to fix such point or points elsewhere than on the line or lines of pipes (No. 1) Work No. 5 by this Act authorised.

(3) The price to be paid by the council to the Corporation for the supply of water shall be such sum per one thousand gallons as may be agreed or as on failing to agree may be determined by arbitration as hereinafter provided. Provided that either the Corporation or the council by giving not less than six calendar months' notice in writing to the other to expire at the end of each period of five years during the continuance of a supply may require a revision of the said price or of any price for the time being substituted therefor under this subsection and thereupon as from the expiration of any such notice the price to be paid to the council shall be a price failing agreement to be determined by arbitration as hereinafter provided.

(4) All water taken by the council shall be measured by a meter or other apparatus to be provided by the council and approved by the water engineer of the Corporation at every point on the water mains or pipes of the Corporation from which a supply shall be given. Every such meter shall be placed in some suitable chamber or building and on a site to be provided by the council and every such meter and all pipes valves and other apparatus connecting it with the water mains or pipes of the Corporation from which the water is taken shall be fixed and constructed by the Corporation at the cost of the council. The Corporation shall be provided by the council with keys of any such chamber building and meter and all

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other necessary means of access thereto and shall at all reasonable times be at liberty after giving twenty-four hours' notice to the council (and in cases of emergency such as loss of water through leakage bursting of mains or otherwise without such notice) to inspect every such meter and the works appertaining thereto and to test the accuracy thereof and when necessary to require the same to be repaired and maintained at the expense of the council.

(5) The Corporation shall not be liable for any damage loss or expenses caused by any failure in the supply of water to the council if such failure shall be occasioned by frost unusual drought or any cause beyond the control of the Corporation or during any time when the works of the Corporation shall be undergoing necessary repairs or cleansing.

(6) All payments for the water supplied shall be payable quarterly on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in every year and if such payments be not made within twenty-eight days after the delivery of the account for the same by the Corporation the council shall pay interest upon the amount due at the rate of six per centum per annum from the date of such delivery to the date of payment.

(7) Any dispute question or difference between the Corporation and the council under this section shall unless otherwise agreed be referred to an arbitrator appointed by the Minister of Health on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

24. Notwithstanding anything contained in this Act the following provisions for the protection of the owners lessees and occupiers of lands and premises which are situated within a radius of one mile from the well and pumping station (Work No. 1) authorised by this Act or from any part of the adits Nos. 1 2 or 3 by this Act authorised which is for the time being constructed which well and pumping station and adits (so far as for the time being constructed) are in this section referred to as "the pumping station" (all or any of which owners lessees and occupiers are in this section referred to as "the

For pro-
tection of
owners of
certain
lands.

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A.D. 1922. owner") shall unless otherwise agreed between the Corporation and the owner have effect (that is to say):—

(1) If the supply of water from any well sunk into the chalk which was in use at the passing of this Act as an effective source of supply and is situate within a radius of one mile from the pumping station or from the spring (if any) in and affording a supply of water to the pond known as the Patching Fish Pond in so far as the waters of such spring are in use at the passing of this Act as an effective source of supply is at any time materially diminished in consequence of the pumping operations of the Corporation at the pumping station then upon notice in writing from the owner requiring them so to do the Corporation shall at their option either—

(A) Make good the deficiency by affording or arranging that there shall be afforded at such well or pond or at such point as may be agreed with the owner a supply of unsoftened water or at the option of the Corporation softened water equal to the amount of such diminution and at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall be the same after as before the commencement of the said pumping operations; or

(B) Deepen the affected well or make such borings or headings in such well or make such alterations in such spring as will increase the supply so as to make good the said diminution; or

(C) make compensation in money to the owner for such diminution the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided:

(2) (A) If the Corporation elect to make good the diminution by affording or arranging that there shall be afforded a supply of water in pursuance of paragraph (A) of subsection (1) of this section then all mains pipes meters and fittings required for the purpose of so supplying water shall be

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provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Corporation and the owner shall afford to the Corporation free of charge all reasonable or necessary facilities for those purposes but all such fittings shall be maintained and repaired and (when necessary) renewed and made good by the owner to the reasonable satisfaction of the Corporation ;

(B) If the Corporation elect to make good the diminution by making any deepenings borings headings or alterations in pursuance of paragraph (B) of subsection (1) of this section then the owner shall without any charge give to the Corporation access and every reasonable facility for carrying out such deepenings borings headings or alterations and in the event of any deepening boring heading or alteration increasing the cost of obtaining or continuing to obtain an undiminished supply the Corporation shall pay to the owner reasonable compensation in respect thereof :

- (3) At all reasonable times after the passing of this Act the Corporation may upon giving not less than twenty-four hours' previous notice in writing to the owner or his agent inspect and test any well within the radius aforesaid or the said spring and for that purpose may enter upon the land and premises upon which any such well or the said spring is situate making good any damage caused by such inspection or entry and the Corporation shall not be liable in respect of any claim made by the owner under this section if he shall have failed to afford to the officers servants and other representatives of the Corporation at all reasonable times after the passing of this Act access to any such well or the said spring in respect of which the claim is made for the purpose of ascertaining particulars thereof and the level of the water therein :
- (4) For the purpose of the supply of water in pursuance of the provisions of this section the Corporation may execute all such works as may be

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required for that purpose and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as they are applicable extend and apply with respect to the execution by the Corporation of any works under the provisions of this subsection :

- (5) Any dispute which may arise between the Corporation and the owner under the provisions of this section shall be referred to the arbitration of an engineer or other fit person to be appointed unless otherwise agreed between the parties in dispute by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Limiting powers of Corporation to abstract water.

25.—(1) The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

(2) For the purposes of this section the existing waterworks of the Corporation and the waterworks transferred to the Corporation in pursuance of the agreement set forth in the First Schedule to this Act shall be deemed to be works authorised by this Act and the lands upon which those works are constructed shall be deemed to be specified in this Act.

Works to form part of water undertaking.

26. Subject to the provisions of this Act the waterworks to be constructed or acquired by the Corporation under the authority of this Act shall for all purposes be deemed part of the water undertaking of the Corporation.

Power to hold lands and exercise powers for protection of waters.

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

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(2) Provided that the Corporation 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 of Health 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 their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

(3) The Corporation may in and upon the lands referred to in subsection (1) of this section 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 Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road traversing the said lands 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.

(4) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any land with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters the Corporation are for the time being authorised to take.

28.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir well adit aqueduct line of pipes or other work of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch.

Discharge
of water
into
streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to

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A.D. 1922. — be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889.

Application of Waterworks Clauses Act 1847 to works authorised by this Act.

29. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the aqueducts or conduits authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may erect or lay down for the purposes of their water undertaking.

For protection of Postmaster-General.

30. Any telephone or telegraph posts wires conductors or apparatus laid down erected made or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be constructed in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General.

Further powers in relation to water mains.

31. The Corporation shall have and may exercise within the water limits the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district of the Corporation.

Power to lay pipes in private streets.

32. The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act Provided that nothing in this section contained shall apply to any street for the time being belonging to and forming the approach to any station or depôt of the London Brighton and South Coast Railway Company.

For protection of West

33. For the protection of the county council of the administrative county of West Sussex (in this section

called "the county council") the following provisions unless otherwise agreed to in writing between the Corporation and the county council shall apply and have effect in relation to the exercise by the Corporation of any of the powers conferred upon them by this Part of this Act (that is to say) :—

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Sussex
County
Council.

- (1) In this section the word "road" means any road for the time being vested in or repairable by the county council and situate within any part of the Corporation's limits for the supply of water :
- (2) In relation to any road section 30 of the Waterworks Clauses Act 1847 as incorporated with this Act shall (except in cases of leakage bursting or other emergency) have effect as if the word "seven" were substituted for the word "three" in that section :
- (3) The plan required by section 31 of the last mentioned Act shall clearly define the position in the roadway or at the side thereof or in the roadside waste in which the works of the Corporation are proposed to be constructed and shall be accompanied by a section showing the depth below the surface of the said works and (except in cases of leakage bursting or other emergency) shall be delivered to the county council by the Corporation not less than fourteen days before the Corporation commence to open or break up the road or roadside waste :
- (4) All works to be laid in or along any road shall be laid in such position in or at the side thereof or in the roadside waste as the county council shall by writing under the hand of the county surveyor reasonably direct :
- (5) The Corporation shall not permit any trench made by them in any road to be opened for a greater consecutive distance than one hundred yards if in such length of one hundred yards there is not room for two carts to pass one another :
- (6) Whenever the Corporation in the exercise of their statutory powers shall have opened or broken up the carriageway or footway of any road the Corporation shall reinstate and make

A.D. 1922.

good such carriageway or footway to the reasonable satisfaction of the county council and for that purpose section 32 of the Waterworks Clauses Act 1847 shall have effect as if the reinstatement and making good of the road required by that section included the application of a sufficient layer of surface metalling of the same specification as that employed by the county council for the particular carriageway or footway :

- (7) In lieu of keeping any such road as aforesaid in repair in the manner provided by section 32 of the Waterworks Clauses Act 1847 as amended by this section the county council may if they think fit maintain and repair the road for three months after the reinstatement thereof and for such further period if any (not being more than twelve months in the whole) during which there shall be any subsidence in the surface thereof caused by the works of the Corporation and the Corporation shall repay to the county council all reasonable expenses of such maintenance and repair :
- (8) If the Corporation after notice from the county council under the hand of the county surveyor shall neglect to do or complete any work or act required by this section to be done by the Corporation then and in any such case the county council may do such work or act themselves under the superintendence (if given) of the Corporation causing as little damage or inconvenience to the Corporation as the circumstances may admit and the Corporation shall repay to the county council all expenses reasonably incurred by the county council in connexion with any such work or act :
- (9) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes or works of the Corporation shall not be placed on the metalled portion of any road without the written consent of the county surveyor and subject to such conditions and directions as he may require or give :

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(10) All surplus paving metalling or materials removed during the laying of any works by the Corporation in or along any road and not required by the Corporation for the purpose of reinstating making good and maintaining the road may be used by the county council for the maintenance and repair of any road and the Corporation shall on receiving notice from the county surveyor forthwith remove the same to such place or places not more than one mile from the place of excavation as the county surveyor may direct and if the Corporation fail to do so the county surveyor may remove the same but the county council shall repay to the Corporation any expenses which the Corporation may reasonably incur in complying with any directions of the county surveyor under this subsection :

(11) (A) The county council may repair alter the level of or deviate or improve in any manner they think fit any road along which the works of the Corporation are carried in the same manner as they might have repaired altered deviated or improved such road in the absence of such works :

(B) In the event of any road along which any such works are laid being improved widened or repaired as aforesaid the Corporation shall with all convenient speed on receiving fourteen days' notice in writing from the county council (except in case of emergency) so to do alter the position of such works in such manner and to such extent as such notice may reasonably prescribe and to the reasonable satisfaction of the county surveyor and the reasonable expense incurred by them in so doing shall be repaid to them by the county council :

(C) The county council shall afford all reasonable facilities to the Corporation for such alterations and also (during the alteration deviation improvement widening or reparation of such road) for temporarily carrying such works along the road so as not to interrupt the continuous supply of water :

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- (12) All works of the Corporation so far as they affect any road shall be so executed by the Corporation as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on such road :
- (13) The county council shall not except in case of their negligence be liable for or in respect of any damage or injury to any works of the Corporation in or upon the metalled portion of any road arising from the reasonable and proper use by the county council of a steam or other roller or traction engine not exceeding fifteen tons in weight :
- (14) The Corporation shall make compensation to the county council for all damage or injury loss or expense whatsoever which the county council may sustain by reason or in consequence of the failure of any works of the Corporation in any road as aforesaid :
- (15) All the rights or obligations conferred or imposed by this section shall be in addition to and not in substitution for any rights or obligations conferred or imposed by such of the provisions of the Waterworks Clauses Act 1847 with respect to breaking up streets as are incorporated in this Act save so far as such provisions are varied by or inconsistent with this section :
- (16) The Corporation shall at the expense of the county council provide and fix hydrants in such places on any main road as aforesaid along or across which any service mains or pipes shall be constructed or laid as shall be reasonably required by the county council for the purpose of watering or repairing any main road and the county council shall pay to the Corporation for water required and taken from any main or pipe of the Corporation at the current rates and charges within the district The county council shall adopt such means for the purpose of measuring the water taken and make such returns to the Corporation thereof as the Corporation may from time to time reasonably require :

(17) If any difference shall at any time arise between the county council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration the arbitrator being appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration. A.D. 1922.

34. The provisions of the section of this Act of which the marginal note is "For protection of West Sussex County Council" (other than subsections (11) and (16) thereof) shall extend and apply mutatis mutandis to the East Preston Rural District Council and for the purposes of such extension and application that section shall be read and have effect as if the East Preston Rural District Council and the surveyor of that council were referred to therein instead of the West Sussex County Council and the county surveyor of that county council and as if the word "road" meant a road repairable by and at the expense of the said rural district council. For protec-
tion of East
Preston
Rural
District
Council.

PART III.

WATER SUPPLY.

35. As from the passing of this Act the limits of the Corporation for the supply of water shall be the area comprising— Limits of
supply.

- (A) The borough;
- (B) The parishes of Clapham Durrington Goring-by-Sea and Patching in the rural district of East Preston;
- (C) The parish of Sompting in the rural district of Steyning West.

36. The water supplied by the Corporation within the water limits need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir or other source from which the supply is taken. Limit of
pressure.

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Rates for
domestic
purposes.

37.—(1) Subject to the provisions of this Act the Corporation shall on and after the thirty-first day of March nineteen hundred and twenty-three be entitled to charge for a supply of water for domestic purposes rates not exceeding the rates per annum hereinafter specified (that is to say):—

(A) In the borough ten pounds per centum upon the gross estimated rental of the premises to which a supply of water for domestic purposes is afforded by them provided that the Corporation shall not be required to supply any premises in the borough with water for a less sum than twelve shillings per annum;

(B) In the parishes of Clapham Durrington Goring-by-Sea Patching and Sompting the rate per centum upon the gross estimated rental of the premises to which a supply of water for domestic purposes is afforded by the Corporation which is for the time being charged by them in the borough and in addition fifteen per centum of such rate provided that the Corporation shall not be required to supply any premises in the said parishes with water for a less sum than fifteen shillings per annum.

(2) The gross estimated rental of any such premises as aforesaid shall mean the gross estimated rental as ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided always that where the water rate is chargeable on the gross estimated rental of part only of any hereditament entered in the valuation list such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid and the apportionment in case of dispute shall be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing rates the Corporation may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the water limits a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing not more than fifty

gallons a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

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(4) The agreement dated the eighth day of June eighteen hundred and ninety-three and made between the vestry of the parish of Durrington in the county of Sussex of the one part and the West Worthing Waterworks and Baths Company of the other part so far as that agreement limits or prescribes the rates and charges which the Corporation may demand and take for or in respect of any supply of water afforded by them is hereby cancelled and annulled as from the twenty-ninth day of September nineteen hundred and twenty-two but without prejudice to any rights of the Corporation as to the recovery of rates and charges in respect of water supplied by them in pursuance of the said agreement prior to that date.

38. Notwithstanding anything contained in section 70 (Rates to be paid quarterly in advance) of the Waterworks Clauses Act 1847 the Corporation may by resolution declare that their water rates and charges shall be payable at such date or dates as the Corporation may from time to time appoint :

Dates for
payment of
water rates.

Provided that no person shall be compellable to pay such water rates or charges for any longer period in advance than three months.

39. Where any premises supplied with water are 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 Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may 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.

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Charges for
hose-pipes.

40. Where water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Corporation may if a hose-pipe or other similar apparatus is used charge any additional sum not exceeding one pound per annum and (where more motor cars than one are ordinarily kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum chargeable under the provisions of this section shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

Supply to
houses
partly used
for trade.

41.—(1) The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or any hospital school or similar institution club boarding house hotel hydropathic restaurant public-house or inn.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated in accordance with the provisions of the section of this Act of which the marginal note is "Rates for domestic purposes."

(3) The price to be charged for a supply of water by measure under this section shall not (subject as hereinafter provided) exceed the respective prices per thousand gallons mentioned in the section of this Act of which the marginal note is "Supply by measure" Provided that the minimum amount payable for any such supply other than a supply for farming purposes only under subsection (2) of this section in respect of any year ending on any thirty-first day of March shall be an amount equal to the amount payable for the time being for a supply of water for domestic purposes to premises of a like gross estimated rental.

Supply by
measure.

42.—(1) The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by measure either for domestic or other purposes and the

moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. A.D. 1922.

(2) Provided that—

(A) No person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes;

(B) The price to be charged by the Corporation for a supply of water under this section shall not exceed the following rates (namely)—

In the borough two shillings per one thousand gallons;

In the parishes of Clapham Durrington Goring-by-Sea Patching and Sompting the price per one thousand gallons for the time being charged by the Corporation in the borough for a similar supply and in addition fifteen per centum of such price;

but the Corporation shall be entitled to charge for each such supply (other than a supply given under the provisions of the section of this Act the marginal note of which is "Supply to houses partly used for trade") a sum of not less than one pound in respect of the water supplied in any quarter of a year.

43. On the application of the Corporation or of a local authority having jurisdiction within the water limits the Minister of Health may if satisfied that the circumstances have materially changed make an order varying either by way of increase or decrease the rates and prices for the supply of water authorised by the sections of this Act of which the marginal notes are "Rates for domestic purposes" and "Supply by measure."

As to
revision of
water rent
and price
for water.

44.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation.

Register of
meter to be
primâ facie
evidence.

(2) Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any

A.D. 1922.

costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Power to Corporation to repair communication pipes.

45.—(1) If by reason of any injury to or defect in any communication pipe or water fittings which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property or to the health of any person it shall be lawful for the Corporation by and under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner or occupier (if the communication pipe is repairable by him) of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Maintenance of common pipe.

46. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation or other officer duly authorised in that behalf by the Corporation.

Byelaws for preventing waste &c. of water.

47.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks

ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and may forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

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

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation 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 expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable.

48. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Inter-
ference
with valves
pipes and
fittings.

49.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages gas or water pipes electric lines wires and apparatus.

Detection
of waste.

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Act, 1922.

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(2) Provided that the Corporation shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) Provided also that in the exercise of the powers of this section the Corporation shall not without the consent of the London Brighton and South Coast Railway Company break up or interfere with any street for the time being belonging to and forming the approach to any station or depôt of that company or any electric lines wires and apparatus for the time being belonging to them but such consent shall not be unreasonably withheld and any question as to whether the same is unreasonably withheld may be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of the Corporation.

A separate communication pipe may be required for each house supplied.

50.—(1) The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

(2) If the owner of any house supplied with water by the Corporation when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Corporation may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing summarily from such owner.

Connecting and disconnecting of meters.

51. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to person liable to

52.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and

1863 to maintain any pipe or apparatus in the limits of supply the person liable to maintain the same 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. A.D. 1922.
—
maintain
pipes &c.
to open
ground.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay down maintain repair or remove any communication pipe and for that purpose to open or break up any street in the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

53. The Corporation 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 meters.

54.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fitting belonging to the Corporation or who 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 fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Injuring
meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation 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

A.D. 1922. — 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 Corporation by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *primâ 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.

Power to
supply
fittings.

55.—(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him whether by way of sale or hire and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Corporation for the sale or hire of such materials and for executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section 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. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof:

Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including interest upon any moneys borrowed

for those purposes) and all sums applied to sinking fund for repayment of moneys so borrowed; A.D. 1922.

(B) Every sum charged by the Corporation in respect of provision of such fittings or the fixing repairing or removal thereof shall be clearly stated in every demand note rendered by the Corporation to the consumer;

(C) The total sums expended and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking of the Corporation for such year.

(3) Any payments due to the Corporation for the sale or hire of such fittings or materials or for executing such work may be recovered summarily as civil debts.

56. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at the office of the Corporation. Notice of discontinuance.

57. Section 35 of the Waterworks Clauses Act 1847 in its application to the Corporation shall be read and construed as if the words "one-sixth part" were substituted therein for the words "one-tenth part." Application of section 35 of Waterworks Clauses Act 1847.

58.—(1) Any rural district council whose district is in whole or in part within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any main or pipe or works for the supply within any part of such district which is within the water limits by means of such main or pipe or works. Guarantees by district councils.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur

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expenditure and any such council may raise any money which may become payable to the Corporation under this section in like manner as money may be raised under the provisions of any such general Act.

Contracts
for supply
of water
in bulk.

59.—(1) The Corporation and any local authority (including the West Sussex County Council) company or person may enter into and carry into effect agreements for and in relation to the supply of water by the Corporation beyond the water limits to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions as may be agreed upon.

(2) Provided that—

(A) A supply of water under this section shall not be given beyond the water limits except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits;

(B) Nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the water limits.

Repeal of
West Worth-
ing Water-
works and
Baths Act
1884.

60. The West Worthing Waterworks and Baths Act 1884 is hereby repealed.

PART IV.

ELECTRICITY.

Extension
of area of
supply.

61.—(1) The parish of Durrington in the rural district of East Preston in the county of West Sussex shall be added to the area of supply for the purposes of the Worthing Electric Lighting Order 1895 as amended by this Act and the Corporation may within and in respect of that parish exercise all or any of the powers in relation to their electricity undertaking conferred upon the Corporation by the said Order of 1895 as amended by this Act.

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(2) The Corporation shall within six months from the passing of this Act deposit at the office of the Electricity Commissioners an ordnance map on a scale of not less than six inches to the mile showing the boundaries of the area which is added to the said area of supply under the provisions of this section.

(3) If at the expiration of three years from the passing of this Act or within such extended period as the Minister of Transport by order under the hand of an assistant secretary may allow the Corporation shall not have laid down distributing mains in the parish aforesaid the Minister of Transport may by order as aforesaid prescribe that the powers by this Act conferred upon the Corporation in respect of such parish shall cease as from the date of the said order.

62.—(1) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 (with the exception of sections 83 and 84 of that schedule) are incorporated with and form part of this Act and the undertaking authorised by the Worthing Electric Lighting Order 1895 and the undertakers in respect thereof shall be subject to those provisions as if those provisions were substituted by this Act for the corresponding provisions of the said Order of 1895 and so much of that Order as is inconsistent with those provisions is hereby repealed without prejudice to anything done or suffered thereunder.

Application
of Electric
Lighting
(Clauses)
Act 1899.

(2) Provided that sections 23 and 65 of the said schedule shall apply to the electricity undertaking of the Corporation within the parish of Durrington as if the Corporation were the local authority.

63. The Corporation may subject to the provisions of the Worthing Electric Lighting Order 1895 as amended by this Act and of the Electricity (Supply) Acts 1882 to 1919 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations transforming stations and other works in connexion with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient.

Power to
construct
electrical
sub-
stations
under
streets.

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Power to
lay electric
lines &c.
in private
streets.

64. The Corporation may on the application of the owner or occupier of any premises within the Corporation's area for the supply of electricity abutting on or erected or being erected in any street laid out or made but not repairable by the inhabitants at large supply such premises with electrical energy and may lay down take up alter relay repair remove and renew in across along or out of such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Worthing Electric Lighting Order 1895 as amended by this Act and of the Electricity (Supply) Acts 1882 to 1919 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section as if such street were a street repairable by the inhabitants at large Provided that nothing in this section contained shall apply to any street for the time being belonging to and forming the approach to any station or depôt of the London Brighton and South Coast Railway Company.

Attachment
of brackets
&c. to
buildings.

65. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and attachments as may be required for lighting any street in the area of supply Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have

given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

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- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

66.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Further powers as to entry upon premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

67.—(1) In the event of a meter of a construction and pattern approved by the Minister of Transport or the Board of Trade used by any consumer of electricity 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.

Period of error in defective meters.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recover-

A.D. 1922. able in the like manner as charges for electricity are recoverable by the Corporation.

Power to recover charge for re-connecting.

68. Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

As to maximum power which may be demanded.

69.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of energy taken on extraordinary occasions or as a standby supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Receipts and expenses.

70.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking of the Corporation and shall be applicable accordingly.

PART V.

A.D. 1922.

RECREATION GROUNDS FORESHORE &C.

71. Subject to the provisions of this Act and subject as regards any land leased to the Corporation to the terms of such lease the Corporation may—

Power to provide concert halls grounds for games bathing pools &c.

(A) In any promenade park or pleasure ground and on the foreshore and other lands in the borough of which for the time being they may be the owners or lessees erect and construct and hold furnish equip maintain insure and carry on concert halls pavilions conservatories winter gardens bandstands assembly rooms rooms for all social purposes and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms billiard rooms shelters ante-rooms refreshment rooms kitchens cloak rooms lavatories gardens out-buildings conveniences and appurtenances and for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation :

(B) In any such park or recreation ground or lands as aforesaid other than the foreshore lay out and maintain lawns grounds and courses for games and provide the necessary apparatus for the use of the same and do all such acts and employ such persons as may be required for those purposes :

(C) Upon any part of the foreshore or lands as aforesaid construct and maintain bathing pools bathing bungalows shelters and conveniences and provide all necessary and convenient apparatus in connexion therewith.

72. Subject to the provisions of this Act and also subject to the provisions of any Crown leases which the Corporation may hold from the Board of Trade or the Commissioners of His Majesty's Woods and Forests—

Provision of entertainments.

(1) The Corporation may pay or contribute towards the payment of bands of music or vocal choirs and may provide or arrange for the provision or carrying on of suitable concerts entertainments athletic meetings exhibitions and amuse-

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—

ments and for the sale of programmes and refreshments in any buildings belonging to them or in any park or recreation ground for the time being vested in them or under their control or upon any land (including the foreshore) for the time being belonging or leased to them and the Corporation may let any such building belonging to them or any part of such park or recreation ground or land as aforesaid or any building or part thereof erected in any such park or recreation ground or on any such land for the purposes of such concerts entertainments athletic meetings exhibitions or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit Provided that the power to let land and buildings conferred upon the Corporation by this subsection shall not extend or apply to the common known as Broadwater Green or to the Victoria Recreation Ground :

Provided that any letting under this section of any building for the purpose of an entertainment other than for a period of less than one month shall be by tender and the Corporation shall secure the best rent reasonably obtainable :

- (2) The Corporation may in any park or recreation ground vested in them or upon any such land (including the foreshore) as aforesaid enclose an area for the purpose of any such concert or other entertainment as aforesaid or for any performance by such bands or choirs :
- (3) Any expenses incurred by the Corporation under the provisions of this section may be paid by the Corporation out of the borough fund.

Power to
make bye-
laws.

73. The Corporation may make byelaws for securing good and orderly conduct during any concert entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this Part of this Act and also for regulating the use of any bowling greens tennis courts and croquet lawns provided by them under the provisions of this Part of this Act.

Power to
charge for
admission

74.—(1) The Corporation may make such reasonable charges as they may think fit for admission to and for

the use of any concert halls pavilions conservatories winter gardens bandstands assembly rooms social rooms entertainment rooms reading rooms billiard rooms and other buildings belonging to them or for the use of any buildings or enclosures in any park recreation ground promenade or land used for the purposes mentioned in this Part of this Act or for the use of any bowling greens lawn tennis courts croquet lawns bathing pools bathing bungalows shelters and apparatus provided in connexion therewith respectively and they may also make such charge for the use of chairs and conveniences as they may deem fit.

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to and use
of concert
halls &c.

(2) The provisions of this section shall not extend or apply to the common known as Broadwater Green or to the Victoria Recreation Ground.

75. The Corporation may purchase take on lease or acquire land for the purpose of athletic meetings cricket football and other games and may from time to time let for terms not exceeding twelve months to any club company body or persons any portion of any park or place of public resort or recreation set apart by them under the provisions of the Public Health Acts Amendment Act 1907 or the whole or any portion of any land purchased taken on lease or acquired by them under the powers of this section and may upon such lands or upon the portions of parks or places of public resort or recreation so set apart erect construct and maintain all proper and convenient houses pavilions dressing rooms and other buildings works and conveniences.

Power
to let
recreation
grounds &c.
to cricket
clubs &c.

76. The Corporation may out of the receipts from concert halls and other buildings and from entertainments provide programmes of any concert entertainment athletic meeting exhibition or performance which may from time to time be provided by the Corporation or with their sanction in any such place or building as aforesaid and may sell the same or they may authorise any person or persons to provide and sell such programmes.

Pro-
grammes.

77. The Corporation may out of the receipts from concert rooms and other buildings and from entertainments in any year pay or contribute towards the cost of providing and maintaining at public places in the borough and on passenger boats plying between the

Power to
advertise
entertain-
ments and
attractions.

A.D. 1922. borough and other places and in newspapers published in the borough or in the borough of Brighton advertisements of the performances and entertainments provided at their concert halls pavilions conservatories winter gardens bandstands and other buildings.

Byelaws
as to
esplanades
and sea-
shore &c.

- 78.—(1) The Corporation may make byelaws—
- (A) For regulating the use and for the control management and government of the esplanades and parades for the time being of the borough and of public walks gardens and places of recreation adjacent to such esplanades and parades and of the seashore or beach (above or below high-water mark) within or adjoining the borough and of the approaches thereto respectively and for the preservation of order and good conduct among persons using such esplanades parades walks gardens and places of recreation seashore or beach and approaches and for the prevention of nuisance and obstructions thereon and therein respectively;
 - (B) For prohibiting the selling or hawking of any articles or the distribution or exhibition of handbills and placards or the soliciting of alms or the collection of subscriptions on such esplanades parades walks gardens and places of recreation seashore or beach and approaches;
 - (C) For preventing persons after being duly warned from wilfully inciting dogs to bark on the said seashore or beach;
 - (D) For protecting and preserving from injury the parades or esplanades walks gardens and places of recreation and the buildings terraces trees fountains shrubs walks seats shelters gates fences and palings thereof;
 - (E) For the regulation of all fishing boats brought to shore within the borough and of the situation of capstans in front of the sea within the borough;
 - (F) For the removal of all obstructions chains anchors tubs and other receptacles for nets cordage and other things which are or may

hereafter be placed upon the said parades
esplanades seashore or beach without the
written consent of the Corporation. A.D. 1922.

(2) Provided that—

(A) Nothing contained in paragraph (A) of sub-section (1) of this section shall authorise the Corporation to make byelaws regulating or restricting the speed of vehicular traffic on roads;

(B) Nothing contained in this section or in any byelaws to be made in pursuance hereof shall affect or impair any prescriptive right of the fishermen to the use for the purposes of their calling of the beach within the borough.

(3) The following provisions are hereby repealed but without prejudice to anything done or suffered to be done thereunder :—

(A) So much of section 40 of the West Worthing Improvement Act 1865 as relates to the making of byelaws and the whole of section 44 of that Act;

(B) Article III. of the Provisional Order relating to the borough which was confirmed by the Local Government Act 1868 (No. 6) from and including the words “and to make byelaws” to the end of that article;

(C) Article VIII. of the Order relating to the borough which was confirmed by the Local Government Supplemental Act 1869 from and including the words “and the said local board” to the end of that article;

(D) Article VI. of the Order relating to the borough which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1884;

(E) The following words in Article I. of the Order relating to the borough which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1893 namely—

(i) “and to byelaws for preventing obstructions on the sea beach sands and seashore

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and so much of section 44 as relates to the esplanade sea beach and seashore ”;

(ii) “ and to so much of that article as relates to byelaws ”;

(iii) “ and to so much of that article as relates to byelaws and the fines to be inflicted for the infringement thereof.”

(4) Except as provided by the next succeeding section of this Act byelaws made by the Corporation in pursuance of any of the provisions repealed by the last preceding subsection of this section shall notwithstanding anything contained in this section continue in force until the same are cancelled or annulled.

Removal
of sand &c.
from sea-
shore.

79.—(1) Subject to the provisions of this Act and without prejudice to the provisions of the section of this Act of which the marginal note is “ Crown rights ” any person other than a grantee from the Crown who at any time digs carries away or removes any sand marl gravel shingle rock or other material from the seashore or beach (above or below high-water mark) or from any sea defence work or embankment esplanade footway or carriageway upon which such sand gravel shingle rock or other material has been thrown by the sea within or fronting on the borough or within the limits of any district within which the Corporation are for the time being maintaining works of sea defence under statutory authority without having first obtained the permission in writing of the Corporation or who having obtained such permission digs carries away or removes any sand gravel shingle rock or other material from any part of the seashore or from any sea defence work or embankment esplanade footway or carriageway as aforesaid or in any quantity or manner other than the part quantity or manner permitted shall for every such offence be liable to a penalty not exceeding twenty pounds.

(2) The byelaws sealed by the Corporation on the second day of September nineteen hundred and eight and duly approved by the Board of Trade and Commissioners of His Majesty’s Woods Forests and Land Revenues which byelaws were made under the provisions of Article 8 of the Provisional Order relating to the borough and confirmed by the Local Government Supplemental Act 1869 are hereby cancelled and revoked.

80. The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

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—
Power to
appoint
officers.

81.—(1) Any moneys received by the Corporation in connexion with the execution of the purposes of this Part of this Act shall be carried to the credit of the borough fund.

As to
receipts
and ex-
penses.

(2) Any expenses incurred by the Corporation in the execution of this Part of this Act shall be paid out of the borough fund and borough rate.

PART VI.

BATHS.

82.—(1) Subject to the provisions of the sections of this Act of which the respective marginal notes are “Works below high-water mark not to be constructed without consent of Board of Trade” and “Crown rights” the Corporation may upon land acquired or appropriated by the Corporation for the purpose erect construct provide maintain furnish and equip sea water fresh water medicated Turkish and other baths and may lay down and provide such sea water intake pipes apparatus and fittings as may be incidental to or necessary for such purposes and may make such reasonable charges for admission to such baths as they may think fit.

Corpora-
tion may
provide
baths &c.

(2) The Corporation may for the purpose of erecting constructing providing and maintaining any such baths as aforesaid purchase or take upon lease or otherwise acquire land by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

(3) For the purpose of laying down and repairing pipes for supplying sea water to any baths belonging to them the Corporation may break up streets and alter the position of any culverts pipes and wires under any street:

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Provided that the Corporation shall not alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(4) The Corporation may let on lease to any company or person for such term and on such conditions as they may think fit any baths constructed by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths contained in this section.

Use of swimming baths in winter.

83. The Corporation may from the first day of October to the first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes.

Baths and Wash-houses Acts not to apply.

84. The provisions of the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same shall not apply to this Part of this Act or to the exercise by the Corporation of the powers conferred upon them thereby.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

Continuation of existing street to be deemed new street.

85. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the borough be deemed to be a new street.

Byelaws as to intersecting streets.

86. The power of the Corporation to make byelaws with respect to new streets under the provisions of section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connexion with the laying out of new streets at such intervals as the byelaws may determine For the purposes of this section the expression "intersecting street" means a side or cross street forming a junction with another street.

Widening of roads when only one side is built upon.

87.—(1) When a road footpath or way within the borough is about to become a new street within the meaning of the Public Health Acts but the land on only

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one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the borough require such owner to widen such road footpath or way so as to give a width not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land.

(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Corporation.

88. The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

Exchange
of parts of
streets
disused.

89.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan to be drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line as shown unless within one month after the date of submission thereof as aforesaid they shall have signified to the person submitting the same their disapproval thereof.

Building
line in new
streets.

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until

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the building line for such street has been approved by the Corporation nor beyond or in front of the building line approved by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Corporation.

(4) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of the street than one-half of the width of the street and six feet in addition the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

Develop-
ment
scheme
may be
required in
connection
with new
streets.

90. Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay-out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application

or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished. A.D. 1922.

91.—(1) Any person deeming himself aggrieved by any requirement of or by the Corporation under either of the last two preceding sections of this Act may within fourteen days from the date of such requirement appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. Appeal to petty sessional court.

(2) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

92.—(1) Where any street or road in the borough repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage on either side of such street or road. Power to define future line of existing streets.

The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises.

No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time

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being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and such land when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

(3) Whenever in any of the above cases the Corporation shall require the line prescribed by them to be observed and kept they shall make full compensation to the owner of and other persons interested in any land for any loss or damage he or they may sustain respectively in consequence of the line of frontage being set back and kept and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation for all damage and loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring such line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers as to future line of street.

93.—(1) The Corporation may at any time after prescribing and defining the line of frontage of any street in pursuance of the power conferred upon them by the section of this Act of which the marginal note is "Power to define future line of existing streets" on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such line of frontage at the date when the same was so prescribed or defined shall be pulled down set back or altered so that the same shall not project beyond or in front of such line of frontage.

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(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Arbitration Act 1889 but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) After any such line of frontage shall be so prescribed and defined as aforesaid any person who shall act contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

94. The Corporation (if in the circumstances of the case they think it expedient so to do) may make it a condition of approving the plans for any new street that so soon as any building shall be erected or commenced to be erected in such new street the owners of the freehold of such new street shall provide a paved crossing of granite or other suitable material four feet in width across the end of such street nearest to such building and across every street intersecting either side of such new street between such building and such end of the new street. Any person who shall offend against

Paved crossings to be provided in new streets.

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this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

Provided that nothing in this section shall empower the Corporation to require the execution of any works in a street repairable by the inhabitants at large.

No building
allowed
until street
defined.

95.—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Amendment
of section 17
of Public
Health Acts
Amendment
Act 1907.

96. In the application to the borough of section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 subsection (2) of that section shall not apply.

Forecourts
to be fenced
off from
streets.

97.—(1) Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Lopping of
trees over-
hanging
highways.

98.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost of so

doing from the owner or occupier upon whom the notice was served.

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(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt. Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

99. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or cinder in upon or under the streets of the borough of such dimensions and in such positions as the Corporation may from time to time determine.

Street
orderly
bins.

100. The Corporation may erect or fix street fire alarms in such positions in any street road or public place within the borough as they think fit. Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Fire alarms.

101.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

Erection
of buildings
to greater
height than
adjoining
buildings

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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Elevation
of buildings
erected on
front lands
to require
approval.

102.—(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the door or entrance or the building wall or fence in a line and the elevation of the building wall or fence fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

As to
dangerous
buildings.

103.—(1) In any case where a building shall have been reported to the Corporation as dangerous to the inmates thereof or persons working therein or in the case of any building which may appear to the Corporation on the report of the surveyor to be dangerous to such inmates or persons the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk enter at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works shall be executed

or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the borough.

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104.—(1) The Corporation may prohibit the construction in or in connexion with any dwelling-house of any cellar or room the floor level of which shall be lower than the highest known level of the subsoil water on under or adjacent to the land on which such dwelling-house shall be erected.

Cellars to be constructed below subsoil water level.

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

105.—(1) Every new building exceeding two storeys in height used or intended to be used as a flat or as a hotel restaurant hospital boarding-house common lodging-house or school or as a shop in which building sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop shall be provided on each of the storeys above the second storey (hereinafter referred to as an "upper storey") with such means of escape in the case of fire for the persons dwelling sleeping or employed in each upper story or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

Means of escape from buildings in case of fire.

(2) After the first day of January nineteen hundred and twenty-three the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a shop and in which building sleeping accommodation is or is intended to be provided if in their opinion such building is not provided with proper and sufficient means of escape from each upper storey in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably

1922. be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and award costs.

Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) If the owner alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

(4) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirements of the Corporation under this section.

(5) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(6) Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

(7) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

106. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of

wer to
quire
pecially
larged
wer in
w street.

the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation. A.D. 1922.

107.—(1) The Corporation may by resolution declare that any sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may declare that any other sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for surface water (in this section called a "surface-water sewer").

Separate sewers for surface water and sewage may be required.

(2) Where under the provisions of any Act for the time being in force in the borough the Corporation have power to require any street to be sewered they may require provision of separate sewage sewers and surface-water sewers and the provisions of that Act shall apply to such sewers accordingly. Provided that the provisions of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface-water sewers.

(3) (A) Where separate sewage sewers and surface-water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation.

(B) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(C) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient effectually to drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage

A.D. 1922. and surface-water drainage thereof and the Corporation may if they think fit make all such alterations.

Corporation to make communication between drains and sewer.

108. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication may be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Improper construction or repair of water-closets &c.

109.—(1) If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair is not due to any wilful act, neglect or default be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent, servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge, consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

to repair private drains.

110. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

111. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter re-lay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

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Power to
lay drains
in private
streets.

112.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

Combined
drains.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a petty sessional court provided that such appeal be made within two months from the date of the service of notice

A.D. 1922. — by the Corporation intimating the amount payable or their apportionment thereof On any such appeal the petty sessional court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

Provisions as to combined drainage for two or more houses.

113. The powers given by section 19 (Extension of 38 & 39 Vict. cap. 55 section 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Wilful damage to drains water-closets &c.

114. If any person cause any drain water-closet earth-closet privy or ashpit in the borough to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Streams not to be covered over obstructed or diverted except in accordance with plans.

115.—(1) It shall not be lawful to culvert cover over stop up obstruct or divert any stream or water-course within the borough except in accordance with plans and sections to be submitted to and approved by the Corporation such approval not to be unreasonably withheld or delayed and any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings :

Provided that—

(A) No requirement of the Corporation in relation to such plans and sections shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would

have been obliged to receive or to permit to pass if this section had not been enacted; A.D. 1922.

- (B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

116. Any river stream or watercourse or any part or parts thereof respectively within the borough so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto or to hinder the usual effectual drainage of water through the same shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health. Rivers streams &c. choked up to be a nuisance under Public Health Act 1875.

117.—(1) If any watercourse or ditch in the borough situate upon land partially or wholly built upon or laid out for building or upon land on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner of such land (in the case of land laid out for building before any building is commenced or proceeded with) to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for such watercourse or ditch a pipe drain or culvert with all necessary shoots and means of conveying surface water thereinto. As to covering of ditches &c.

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(2) All works required by the Corporation to be done under this section shall be completed to the satisfaction of the surveyor.

(3) Any person who shall be guilty of any act or omission in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partially belonging to any other person than the owner of the land in respect of which the said notice in writing is served.

Penalty
for throwing
rubbish into
streams.

118. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the borough so as to interfere with the due flow of water in any such stream or brook shall be liable to a penalty not exceeding five pounds.

Saving as
to London
Brighton
and South
Coast
Railway
Company.

119. The provisions of this Part of this Act shall not extend or apply to any building (not used as a dwelling-house) railway or work for the time being belonging to the London Brighton and South Coast Railway Company in the exercise of their statutory powers or to any lands for the time being held or acquired by them and used for the purposes (other than for a dwelling-house) of their undertaking with the authority of Parliament.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Power to
close
Sunday
schools and
exclude
children
from enter-
tainments.

120.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the borough require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

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(2) Any person responsible for the conduct or management of any school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

121.—(1) No person being the parent or having the care or charge of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

Restriction on attendance of children at Sunday schools &c. when infectious disease prevails.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings.

122. Any parent or guardian having personal charge of a child in attendance at a school who is aware of or has reason to suspect the occurrence of any infectious disease in any member of the family and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings.

Special provisions to prevent spread of infectious diseases.

123. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles whooping cough chicken pox and influenza.

Extended meaning of "infectious disease" for certain purposes.

124.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who within the borough—

For regulating manufacture and sale of ice cream &c.

(A) Causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or

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stored in any sleeping room or in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(C) Omits on the outbreak of any infectious disease amongst the persons employed or resident in any premises occupied by him to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice cream or similar commodity or materials so destroyed.

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand must have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) (A) The medical officer and the sanitary inspector and any other officer who is duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand in or on which the same are offered for sale as an officer of the Corporation would have under

section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned. A.D. 1922.

(B) Any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

125. If any person shall at the request of the Corporation or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

Power to compensate persons for ceasing employment to prevent spread of disease.

126.—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in a highly infectious state and that the lodging or accommodation with which such person is provided is such that proper precautions to prevent the spread of the infection cannot be taken or that such precautions are not being taken and that serious risk of infection is thereby caused to other persons and that thorough inquiry and consideration have shown the necessity in the public interest for the compulsory isolation of the person the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination by a medical man to be nominated by them if they think fit may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the borough or within a convenient distance of the borough and for the retention and maintenance of such persons therein for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

Removal of persons suffering from pulmonary tuberculosis to hospital.

(2) The medical officer shall give to the person so suffering or some person being in charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The Corporation may in their discretion during the period of retention make payments for or towards the effective support and maintenance of the relatives of or those actually dependent upon any person so

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suffering and removed to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

(4) An order under this section may be addressed to such constable or officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The provisions of this section shall cease to be in force at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by an order of the Ministry of Health which order the Ministry of Health are hereby empowered to make.

Power to
refuse
registration
of premises
for sale of
milk.

127.—(1) The Corporation shall be entitled to refuse registration of any person in respect of premises for the sale of milk where the conditions are unsuitable and in the case of any premises already registered shall have the power to cancel registration where the conditions become unsuitable.

(2) (A) Any person deeming himself aggrieved by any refusal or cancellation of registration of or by the

Corporation under this section may within fourteen days from the date of such refusal appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just and any such order shall be final.

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(B) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

128.—(1) The owner of any dwelling-house erected after the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy or allow to be occupied such dwelling-house and the owner of any dwelling-house erected before the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy the same or allow the same to be occupied shall respectively be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

As to
houses
without
water
supply.

(2) Provided that—

- (A) The owner of any dwelling-house erected before the passing of this Act shall not be liable to the penalties provided by subsection (1) of this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house with a proper and sufficient water supply within such dwelling-house;
- (B) The Corporation shall repay to the owner of any such dwelling-house erected before the passing of this Act one-third of the amount reasonably expended by him in complying with the requirements of such notice (including the cost of providing and fixing any necessary sink and connexion to the drain);
- (C) This section shall not apply to a dwelling-house erected before the passing of this Act which has no scullery or to any dwelling-house in respect of which a sewer or drain and a water main are not reasonably available.

129.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Cor-

As to
filthy
premises.

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poration that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if such officer is satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

Houses
infested
with
vermin to
be cleansed.

130.—(1) If the medical officer or the inspector of nuisances has reasonable cause to believe that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer or inspector of nuisances it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all

reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable from the person making the default. A.D. 1922.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirements contained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

131.—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may within the borough examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice.

Cleansing
of children
and their
clothing.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and

A.D. 1922. clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act convey to such premises and there detain such child until such cleansing is effected.

(3) Where after the person or clothing of a child has been cleansed under the provisions of this section the parent or guardian or other person liable to maintain the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall on summary conviction be liable to a fine not exceeding ten shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter to his usual or last known residence. In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of the child whose person or clothing requires to be cleansed.

(6) For the purposes of this section the expression "child" means a person under the age of fourteen years.

Cleansing
of ver-
minous
persons.

132.—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house or whose parent or guardian (where the person is a child) consents to his leaving the house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like

case and on the like certificate may cause any such person who or (where the person is a child) whose parent or guardian does not consent to his leaving the house to be removed therefrom to and detained in any such temporary shelter or house accommodation where two justices on the application of the Corporation and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Corporation shall in every case cause the removal and detention to be effected and the condition of any order satisfied without charge to the person removed or to the parent or guardian of that person.

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(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) If any person at the request of the Corporation or under an order of such justices shall cease his employment in order to comply with such order the Corporation may and in case of an order of the justices shall make compensation to him for any loss he may suffer thereby.

(4) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation:

(5) This section shall not apply to any child as defined in the section of this Act of which the marginal note is "Cleansing of children and their clothing."

133.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of a rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the borough any articles of food from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connexion with the business of rag and bone merchants.

Rag and bone dealers not to sell food.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

134.—(1) No room shop or other part of the building in which any food is sold or prepared or exposed for sale or deposited for the purpose of sale or of preparation

No place used for storage &c. of human

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—
food to be
used as a
sleeping
place.

for sale or with a view to future sale shall be used as a sleeping place.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of the building as a sleeping place in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of the provisions of this section and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Sanitary
regulations
for
premises
used for
sale &c.
of food for
human con-
sumption.

135.—(1) From and after the passing of this Act the following provisions shall apply to any room shop or other part of a building within the borough in which any article whether solid or liquid intended or adapted for the food of man is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale :—

- (A) No urinal watercloset earth-closet privy ashpit or other like sanitary convenience shall be within such room shop or other part of the building or shall communicate therewith except through the open air or through an intervening ventilated space ;
- (B) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room shop or other part of the building ;
- (C) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of the building except so far as may be reasonably necessary for the proper carrying on of the trade or business ;
- (D) Due cleanliness shall be observed in regard to such room shop or other part of the building and all articles apparatus and utensils therein

and shall be observed by persons engaged in such room shop or other part of the building. A.D. 1922.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of the building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901.

136.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. Public notice to be given of provisions of this Part of Act.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

137. The Corporation may by notice in writing require the owner or occupier of any house office warehouse shop stall or workshop to provide and maintain portable galvanised iron refuse bins and such bins shall be of such number size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings : Regulation bins for refuse &c.

Provided that this section shall not apply in respect of any premises where ashpits ashtubs or other receptacles for refuse are in use at the passing of this Act so long as the same are of suitable number material size and construction and in proper order and condition.

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Provision
of public
slaughter-
houses and
prohibition
of private
slaughter-
houses
thereafter.

138.—(1) At any time after the passing of this Act the Corporation may—

- (A) Acquire by agreement any premises within the borough used for the purpose of slaughtering cattle (hereinafter referred to as a “slaughter-house”) and the interest or interests of any owner lessee or occupier of such premises;
- (B) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

(2) At any time after the expiration of three years from the passing of this Act and after the Corporation have provided an adequate slaughter-house in a convenient position (to the satisfaction of the Ministry of Health) and after the expiration of six months from the date of publication by the Corporation in a local newspaper circulating in the borough of notice to that effect no person shall slaughter in the way of trade any cattle within the borough except in slaughter-houses provided by the Corporation but this restriction shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle belonging to him and not slaughtered for the purpose of trade or by a farmer on premises occupied by him for agricultural purposes only and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds.

(3) The Corporation shall pay or tender compensation to the owner and occupier of any slaughter-house registered prior to the passing of the Public Health Act 1875 and of any slaughter-house the licence in respect of which is not required to be renewed periodically and closed under the provisions of this section and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in respect of the closing of such slaughter-house.

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(4) The fees and charges to be demanded and received by the Corporation in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Minister of Health and the Corporation may make byelaws accordingly provided that the Corporation shall have power to charge for any slaughter-house let at a weekly monthly or other rent such sum as may be agreed upon by the Corporation and the renters.

(5) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or licence of the Minister of Agriculture and Fisheries made or granted thereunder.

139.—(1) (A) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

Power to close slaughter-houses if injurious to public health.

(B) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house or either of them shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(C) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public

A.D. 1922. health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

PART IX.

POLICE PROVISIONS.

Inspection
and certi-
fication of
taxi-
meters.

140.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

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141. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation for the time being in force with respect to hackney carriages and other public vehicles shall be as fully applicable in all respects to hackney carriages and other public vehicles plying for hire at any railway station within the borough as if such railway station were a public stand for public vehicles :

As to
public
vehicles
taken at
railway
stations.

Provided always that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicle :

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage or other vehicle in any railway station or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

142. The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say) :—

Byelaws
as to
hackney
carriages.

- (A) For the examination and inspection of hackney carriages at such time and place as the Corporation may appoint within one month before the annual licensing day :
- (B) For the inspection of every hackney carriage at all reasonable times when required by the inspector of hackney carriages appointed by the Corporation :
- (C) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the conditions under which it was licensed :
- (D) For the fixing of fares to be charged for the use of any motor hackney carriage by time and distance combined :

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- (E) For the provision of a deposit of a reasonable sum by the owner of every motor hackney carriage applying for a licence for such carriage as a security for the number plate fare plate and inside number plate and for the deposit by the driver of every motor hackney carriage of a reasonable sum as security for his badge :
- (F) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made :
- (G) For the notification in writing to the town clerk by the driver of any hackney carriage of any change in his place of abode.

Amend-
ment of
Order of
1882.

143.—(1) For the purpose of the provisions of the Worthing Order 1882 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1882 and of the Town Police Clauses Acts 1847 and 1889 with respect to hackney carriages the borough shall be the prescribed distance except with respect to any hiring taking place within the borough in which case ten miles from the town hall shall be the prescribed distance Provided that it shall not be obligatory on the drivers of hackney carriages to contract to carry persons for hire a longer distance beyond the borough than five miles.

(2) In the case of any such hiring within the borough any offence against any byelaw of the Corporation with respect to hackney carriages whether such offence shall have been committed within the borough or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the borough.

Byelaws
to control
distribu-
tion of
handbills.

144.—(1) The Corporation may make byelaws to regulate and control or to prevent the distribution of handbills or pamphlets advertising any trade business or profession or any goods wares or merchandise or any lecture entertainment or performance in the borough in order to avoid annoyance of persons using the streets and public places in the borough and the nuisance and

untidiness of the streets and public places arising there- A.D. 1922.
from.

(2) The provisions of this section shall not extend to enable the Corporation to make byelaws for regulating controlling or preventing the distribution of newspapers and periodicals.

145. Every person who shall on Sundays in any street or public place within the borough call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty for crying newspapers.

146.—(1) No person shall in any street or public place importune any person by touting for a hotel lodging-house refreshment house shop pier boat garden theatre tramway hackney carriage or any place of amusement. Prohibition against touting in streets &c.

(2) Any person offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding twenty shillings.

147. The Corporation may delegate their powers under section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 to a committee consisting of not less than five members of the Council and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the council. As to street traffic.

PART X.

RATING PROVISIONS.

148. This Part of this Act shall come into operation as from the thirty-first day of March nineteen hundred and twenty-three. Commencement of this Part of Act.

149.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund and general district rate or either of them shall be charged on and defrayed out of or paid and carried All expenses of Corporation to be paid out of borough rate.

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to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

(2) The district fund shall be closed and any balance which on the date upon which this Part of this Act comes into operation is standing to the credit or to the debit of the district fund or the general district rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connexion with the district fund or of the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

Contribution to borough rate to be paid out of poor rate.

150. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate to be made for the parish and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall apply to such contribution.

Poor rate to be called "the town rate."

151. The poor rate (inclusive of the contributions to the borough fund levied in pursuance of the provisions of this Act) shall be called "the town rate" but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

Differential rating in certain cases.

152. The provisions contained in this section shall have effect with respect to the town rate to be made and levied by the overseers (that is to say) :—

- (1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market

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gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the town rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of sixty-eight hundredths only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

- (2) Provided that during the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say) :—

“ The owner of tithe rentcharge attached to a benefice shall be liable to pay only ten-seventeenths of the amount payable under subsection (1) of the section of the Worthing Corporation Act 1922 of which the marginal note is ‘ Differential rating in certain cases ’ in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining seven-seventeenths thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant ” :

- (3) Provided also that during the continuance of the Agricultural Rates Act 1896 the occupier of any agricultural land as defined in that Act shall be liable to pay in each year in respect of such land a rate calculated on the basis of two-fifths only (instead of sixty-eight hundredths) of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

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(4) Nothing in this section shall in any way affect—

(A) The operation of the Agricultural Rates Act 1896 save as in this section is expressly provided or the payment of the sum certified by the Ministry of Health as the amount of the share of the annual grant payable under that Act out of the local taxation account to the spending authority; or

(B) The operation of the Ecclesiastical Tithe Rentcharge (Rates) Act 1920; or

(C) The amount of the contribution for any purposes to be made by the parish out of the poor rate; or

(D) The calculation of the amount in the pound of the part of the town rate levied for the purposes of the relief of the poor and other expenses of the guardians county contributions and expenses of the overseers respectively which is required to be stated in the demand note for the town rate.

Form of rate &c. to be prescribed by Minister of Health.

153. The town rate and the demand note and any other necessary documents to be used for the purposes of or in connexion with the town rate shall be in such form as the Minister of Health may from time to time prescribe.

As to recovery of town rate.

154. No warrant of commitment in respect of non-payment of the town rate shall be issued against any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate.

As to section 133 of Lands Clauses Consolidation Act 1845.

155. For the purposes of section 133 of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be one-half of the amount in the pound of the town rate.

Overseers may require returns.

156.—(1) The overseers of the parish may require the owner or occupier or reputed owner or occupier of any hereditament in the parish to send to them a return in writing in the form set forth in the Second Schedule to this Act and containing the particulars therein mentioned or referred to.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this Act within fourteen days after the service of the order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds. A.D. 1922.

157. In addition and without prejudice to their existing powers the overseers of the parish may amend the town rate of the parish by inserting therein the name of any person who ought to have been rated : Amendment of town rate.

Provided that—

- (1) Any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment ;
- (2) An amended rate shall not be payable by any person whose name is thereby newly inserted until seven days after such notice has been given to him.

PART XI.

FINANCIAL PROVISIONS.

158.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connexion with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues fund and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the fourth column thereof (namely) :— Power to borrow.

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1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
(A) For the purchase of lands and easements for and for the construction of the waterworks authorised by this Act.	£ 108,400	The revenue of the water undertaking the borough fund and borough rate.	Fifty years from the date or dates of borrowing.
(B) For new mains extensions of mains and other waterworks purposes.	15,000	The revenue of the water undertaking the borough fund and borough rate.	Forty years from the date or dates of borrowing.
(C) For carrying into effect the agreement with Alfred Charles Jackson set out in the First Schedule to this Act.	1,600	The revenue of the water undertaking the borough fund and borough rate.	Forty years from the date or dates of borrowing.
(D) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

(2)—(A) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

(B) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Health.

(C) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

(3)—(A) The Corporation may also borrow such money as may be necessary for the purposes of working capital for their water undertaking with the consent of the Minister of Health and their electricity undertaking with the consent of the Electricity Commissioners.

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(B) Any money borrowed under this subsection shall be repaid within such a period as may be prescribed by the Minister of Health or Electricity Commissioners as the case may be.

(4) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

159.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

Power to
use sinking
fund
instead of
borrowing.

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(B) Moneys borrowed and charged upon all the revenues of the Corporation and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

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(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Minister of Health with regard to the exercise of the powers contained in this section as that Minister shall require.

Certain provisions of Public Health Acts not to apply.

160. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Mode of raising money.

161. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

162. Subject to the provisions of the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages);
- Section 238 (Transfer of mortgages).

163. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

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—
Mode of
payment off
of money
borrowed.

164.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either—

Sinking
fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed
A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed
A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which

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(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment—application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as that Minister may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provi-

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sions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay the moneys in respect of which the sinking fund is formed within the prescribed period the Corporation may with the consent of that Minister discontinue the annual payments to such sinking fund until the Minister of Health shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister of Health may determine.

165. Notwithstanding anything contained in the Acts or regulations governing the same the rate of accumulation of the annual payments to every accumulating sinking fund which has been formed by the Corporation for any purpose shall be three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve.

Rate of accumulation of annual payments to sinking fund for repayment of loans.

166. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to invest all sinking funds in statutory securities.

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Appoint-
ment of
receiver.

167.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall be not less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Protection
of lenders
from
inquiry.

168. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Power to
re-borrow.

169.—(1) The Corporation shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

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(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (A) By instalments or annual payments; or
- (B) By means of a sinking fund; or
- (C) Out of moneys derived from the sale of land; or
- (D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

170.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Third Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or

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A.D. 1922. revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the town clerk a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the town clerk a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required

to be made he shall be liable to a penalty not exceeding twenty pounds. A.D. 1922.

171. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan borrowed or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register. Corporation not to regard trusts or bound to see to application of moneys.

172.—(1) The town clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in respect of any moneys raised by the Corporation under any statutory borrowing power and not raised by the issue of stock and at any other time when the Minister of Health may require such a return to be made transmit to the Minister of Health a return in such form as may be prescribed by that Minister and if required by him verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Minister may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest have been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Minister shall require and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on Return respecting sinking fund to Minister of Health.

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behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

(2) If it appears to the Minister of Health by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Minister of Health in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister of Health may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

Application
of money
borrowed.

173. All money borrowed under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable.

Expenses
of execu-
tion of
Act.

174. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund.

Audit of
accounts.

175. The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Interest on
mortgages
held
jointly.

176. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

177. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Receipt in case of persons not sui juris.

178. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the treasurer of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence of transfer or transmission of securities.

179. The Corporation shall keep the accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from income and shall apply all money from time to time received by them in respect of their water undertaking except borrowed money and money properly applicable on capital account as follows :—

Application of revenue and payment of deficiencies in relation to water undertaking.

First In payment of the working and establishment expenses and cost of maintenance renewal and repair of the undertaking;

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

Fourthly In extending and improving (if the Corporation think fit) any works for the purposes of the undertaking and in the provision of funds for working capital;

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest

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until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens. Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

And the Corporation shall carry to the borough fund so much of any balance remaining in any year of the said money received (together with the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

Con-
tingency
fund for
recreation
grounds &c.

180.—(1) The Corporation may in any year if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any one time (inclusive of accumulations of income) one-fifth of the aggregate capital sums for the time being expended by the Corporation on the recreation grounds conservatories winter gardens concert halls pavilions band-stands refreshment rooms assembly rooms reading rooms shelters baths kiosks and other buildings which they may provide under the powers of the section of this Act the marginal note of which is "Power to provide concert halls grounds for games bathing pools &c." to meet any deficiency of revenue or any extraordinary claim or demand unforeseen accident or extraordinary damage which may happen or be caused to the said winter gardens or buildings pay

out of the borough fund such a sum as they may think fit but not exceeding in any one year two per centum of the aggregate amount for the time being expended by them as aforesaid.

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(2) Every sum set apart under this section shall be invested in statutory securities and the interest thereon shall be accumulated until the fund reaches one-fifth of the aggregate capital sums for the time being expended by the Corporation on the said recreation grounds winter gardens and buildings or is required for any of the purposes mentioned in this section.

181.—(1) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings hereinafter mentioned in the construction extension and improvement of the works and conveniences for the purposes of such undertaking and in the provision of funds for working capital:

Application
of revenues
of under-
takings.

Provided that money shall only be so applied after working and establishment expenses of the undertaking and the interest and sinking fund payments in respect thereof have been provided for.

(2) The undertakings hereinbefore referred to are the electricity baths parks foreshore parade band-stand chairs and shelters and pier undertakings of the Corporation.

PART XII.

MISCELLANEOUS PROVISIONS.

182.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 or the School Teachers' (Superannuation) Act 1918 grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

Power to
grant
gratuities
in certain
cases.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

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(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not so provided) or permanently and exclusively employed in any school college or hostel provided by the Corporation as the local education authority for the purposes of Part II. of the Education Act 1902.

Power to enter premises.

183. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part VII. (Streets Buildings Sewers and Drains) and Part VIII. (Infectious Disease and Sanitary Provisions) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

184. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part VII. (Streets Buildings Sewers and Drains) and Part VIII. (Infectious Disease and Sanitary Provisions) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Authentication and service of notices &c.

185.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the

town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

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(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

186. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

In executing works for owner Corporation liable for negligence only.

187. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

As to breach of conditions of consent of Corporation.

188. All consents given by the Corporation under the provisions of this Act or of any local Act Provisional

Consent of Corporation

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to be in
writing.

Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Evidence of
appoint-
ments
authority
&c.

189. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be *prima facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Damages
and charges
to be settled
by justices.

190. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled or determined by a court of summary jurisdiction before whom any offender is convicted.

Apportion-
ment of
expenses in
case of joint
owners.

191. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Recovery
of demands.

192. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the

matter provided that the demand does not exceed the amount recoverable in that court in a personal action. A.D. 1922.

193. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

194. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the borough fund or to such other fund as the Corporation shall direct. Penalties to be paid over to treasurer.

195. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough. Informations by whom to be laid.

196. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments &c.

197. Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Summons or warrant may contain several sums.

198. The provisions of the following sections of the Public Health Act 1875 (namely) :— Confirmation of byelaws.

Section 182 (Authentication and alteration of byelaws);

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Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act. Provided that as respects byelaws made under the provisions of the section of this Act of which the marginal note is "Byelaws as to esplanades and seashore &c." and also under the provisions of Part IX. (Police Provisions) of this Act other than byelaws made under the provisions of the section of this Act of which the marginal note is "Byelaws as to hackney carriages" the Secretary of State shall be substituted for the Minister of Health. Provided also that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

As to
appeal.

199. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part VII. (Streets Buildings Sewers and Drains) Part VIII. (Infectious Disease and Sanitary Provisions) or Part IX. (Police Provisions) of this Act or by any conviction or order made by a court of summary jurisdiction under the said provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Application
of section 265
of Public
Health Act
1875.

200. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Judges not
disquali-
fied.

201. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Compensa-
tion how

202. When any compensation costs damages or expenses is or are by this Act directed to be paid and

the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

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to be
determined.

203.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

Inquiries
by Minister
of Health.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

204. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Powers of
Act
cumulative.

205. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have

Works
below
high-water
mark not
to be con-
structed
without
consent of
Board of
Trade.

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been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Crown
rights.

206. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of
Act.

207. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and boroughrate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

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THE FIRST SCHEDULE.

Agreement referred to in the section of this Act of which
the marginal note is "Confirmation of scheduled
agreement."

MEMORANDUM of AGREEMENT made the fifth day of
December one thousand nine hundred and twenty-
one Between ALFRED CHARLES JACKSON of Worth-
ing in the county of Sussex Gentleman (herein-
after called "the Vendor") of the one part and
the MAYOR ALDERMEN AND BURGESSES of the
borough of Worthing in the county of Sussex
(hereinafter called "the Corporation") of the other
part.

WHEREAS the Vendor has constructed certain waterworks and
is the owner of a water undertaking by means of which he is
supplying water to certain consumers at High Salvington in the
parish of Durrington in the said county :

And whereas the Vendor has agreed to sell the said under-
taking to the Corporation who have agreed to purchase the same
subject to the terms and conditions of this agreement :

Now it is hereby agreed and declared as follows :—

1. Subject to the Corporation obtaining in the next Session
of Parliament an Act authorising them to acquire the waterworks
and water undertaking of the Vendor (which waterworks and
water undertaking are in this agreement referred to as "the under-
taking") and conferring upon them all necessary and proper
powers and authorities for carrying on the same and supplying
water therefrom the Vendor shall sell and the Corporation shall
purchase the undertaking (under and in accordance with the
provisions of the Lands Clauses Acts) at the price of one thousand
five hundred and fifty pounds The undertaking includes—

(A) All the hereditaments described in the First Schedule
hereto and the inheritance thereof in fee simple free
from incumbrances (but subject to the restrictive
covenants mentioned in an Indenture dated the twenty-
eighth day of December one thousand nine hundred and

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six and made between Georgiana Mills of the one part and the Vendor of the other part so far as the same covenants are still subsisting and capable of taking effect or being enforced);

- (B) All and singular the fixed and moveable machinery works mains culverts pipes hydrants plugs syphons and other plant stores apparatus fixtures fittings tools instruments furniture and effects belonging to the Vendor and situate upon the hereditaments hereinbefore described or laid constructed placed or fixed in under or upon any streets roads places or lands (public or private) in the said parish of Durrington;
- (C) All and singular the easements rights powers privileges and authorities now vested in the Vendor in relation to the said works mentioned in sub-paragraph (B) hereof or to the supply of water by the Vendor and in particular the rights or easements reserved by the Vendor in the several conveyances mentioned in the Second Schedule hereto;
- (D) The benefit of the several contracts or agreements entered into between the Vendor and the respective owners or occupiers of certain houses and other premises situate at High Salvington in the said parish of Durrington relating to the supply of water and the rates or sums to be paid for the same in respect of any supplies afforded from and after the date of transfer hereinafter mentioned and the benefit of all or any other subsisting contracts or agreements entered into with the Vendor and all rights of the Vendor under or by virtue of the same respectively; and
- (E) All that the easement or right of constructing re-constructing laying inspecting maintaining cleansing repairing conducting and managing the aqueducts conduits or lines of pipes with such works as may be necessary or convenient in connexion therewith or subsidiary thereto in under along and through all those pieces of land in the said parish of Durrington delineated on the plan attached to this agreement which shows in a green colour the line of the easement intended to be acquired.

2. The Corporation shall forthwith take all steps necessary to promote in the next Session of Parliament a Bill to confirm this agreement and to enable the Corporation to carry the same into effect and to carry on the undertaking and to confer upon the Corporation such other powers as the Corporation think desirable The said Bill shall contain a clause for confirming this agreement and for empowering the Corporation to carry on the undertaking which clause shall take the form which has

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been approved and signed by the Vendor's solicitor Mr. H. C. B. Bowles of Worthing and the town clerk of Worthing. If the said Bill shall fail to be approved by the Corporation or the electors of the borough of Worthing under the Borough Funds Acts 1872 and 1903 or for any cause shall not be proceeded with by the Corporation or shall not be passed by Parliament before the thirty-first day of December one thousand nine hundred and twenty-two or within such further period as the parties hereto may agree to in writing either party may by notice in writing served upon the other declare this agreement to be null and void.

3. Written notice shall be given to the Vendor by or on behalf of the Corporation within seven days after the said Bill shall have received the Royal Assent and such notice shall fix a date for the completion of the purchase under this agreement being not more than two calendar months from the service of such notice (which date is in this agreement referred to as "the date of transfer") The sale and purchase hereby agreed to be made shall be completed and (subject as next hereinafter provided) the purchase money paid at the office of the Vendor's solicitor Mr. H. C. B. Bowles of Worthing on the date of transfer and thereupon the Vendor and all other necessary parties shall execute and do all such assurances and things for vesting the undertaking in the Corporation and giving to the Corporation the full benefit of this agreement as the Corporation may reasonably require.

4. The Vendor shall up to the date of transfer keep the undertaking in a good state and condition and continue to manage and carry on the same in a business-like manner and for his own benefit in the same manner as heretofore and he shall be at liberty to enter into all such contracts and engagements in relation to the supply of water as he may think fit in the course of and for the purpose of carrying on the undertaking upon the like or similar lines to those upon which the same has heretofore been carried on and the benefit of all such contracts (if any) shall be included in the sale and the Corporation as from the date of transfer shall perform and observe the obligations and conditions of the said contracts and engagements.

5. If from any cause whatever the purchase shall not be completed on the date of transfer possession of the undertaking shall be retained by the Vendor up to the actual day upon which the purchase shall be completed but in that event as from the date of transfer until the date of completion of the purchase the said undertaking shall be kept by the Vendor in a good state and condition and shall be carried on by him on behalf of and for the account of the Corporation who shall be entitled to all moneys received or receivable by the Vendor during that period and shall be responsible for all payments properly made by the Vendor during the said period. On the

House of Parliament to whom the said Bill may be referred making any material alteration in this agreement or the said clause it shall be competent to either of the parties hereto by notice in writing given to the other of them before the Bill is read the third time in the Second House to withdraw this agreement and cancel the sale and purchase hereby agreed upon and in such event such sale and purchase shall be at an end and this agreement shall be absolutely void and of none effect and so much of the said Bill as relates to the subject-matter of this agreement shall be withdrawn. A.D. 1922.

12. If any question difference or disputes shall arise with reference to this agreement or the construction thereof or as to anything herein contained or as to the rights liabilities or duties of either the Vendor or the Corporation hereunder the same shall be referred to a single arbitrator to be agreed upon between them or in default of such agreement to be appointed on the request of either party by the Minister of Health and the award of such arbitrator shall be final and binding on the parties and any such reference shall be deemed to be an arbitration within the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force the provisions whereof so far as applicable shall apply.

In witness whereof the Vendor (by his attorney Ida Edith Jackson) hath hereunto set his hand and the Corporation hath caused its common seal to be hereunto affixed the day and year first above written.

The FIRST SCHEDULE above referred to.

(A) All that piece or parcel of land situate in the parish of Durrington in the county of Sussex containing one thousand three hundred and sixty-eight square yards or thereabouts bounded on the north by the parish road leading in an easterly direction from the north-east corner of Durrington Lane to Findon on the south by land and buildings attached to dwelling-house known as "Downlands" and formerly belonging to the Vendor but now belonging to E. Insoll on the east by a carriage drive leading to a dwelling-house known as "Downlands" and on the west by dwelling-house and land known as "The Oaks" now or late belonging to Lewis Whitmore Burnand Together with the water tower and other buildings and the pumping machinery deep well pipes and other fixed apparatus thereon.

(B) All that piece or parcel of land situate in the parish of Durrington aforesaid containing an area of seven hundred and forty-four square yards or thereabouts bounded on the north by land attached to "The Bungalow" tea rooms on the east by an occupation road or public footpath and bridleway leading from Salvington Mill to West Hill Barn and on the south and

A.D. 1922. west by land attached to "The Bungalow" tea rooms Together with the reservoir and other waterworks thereon erected which said piece of land is more particularly delineated on the said plan and is thereon coloured green.

The SECOND SCHEDULE above referred to.

Date of Conveyance.	Parties.
25th October 1912	- A. C. Jackson (1) Lewis Whitmore Burnand (2).
31st January 1916	- A. C. Jackson (1) Lewis Whitmore Burnand (2).
28th August 1918	- Maurice Goodman (1) A. C. Jackson (2) Mrs. Hepburn (3).
23rd December 1918	- A. C. Jackson (1) John Andrew Blake (2).
30th September 1920	- A. C. Jackson (1) George Edwin Steere and George Steere (2) Henry Edward Pritchard (3).
6th January 1921	- A. C. Jackson (1) Clara Home (2) Mrs. Hepburn (3).
8th February 1921	- A. C. Jackson (1) Lionel Jack Redgrave Cripps (2).
24th August 1921	- A. C. Jackson (1) William Gordon Corfield (2).

Signed by the said Alfred Charles Jackson (by his attorney Ida Edith Jackson) in the presence of } IDA EDITH JACKSON.

H. C. B. BOWLES

Solicitor Worthing.

The common seal of the mayor aldermen and burgesses of the borough of Worthing was hereunto affixed by direction of the council in the presence of }



ELLEN CHAPMAN Mayor.

J. KENNEDY ALLERTON Town Clerk.

THE SECOND SCHEDULE.

A.D. 1922.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER
PARTICULARS TO BE RENDERED UNDER THE
WORTHING CORPORATION ACT 1922.

<p>1. Name of the street or road &c. in which the property is situate - Number of the house - - - - (If not numbered state the name by which known.) Whether occupied with or without stables or other premises as part of the same property - - - The quantity of land (if any) and how used - - - -</p>	
<p>2. Full Christian name and surname of occupier - - - -</p>	
<p>3. Name and address of owner or immediate lessor - - - - (If not known state the name and address of the agent or person to whom the rent is paid.)</p>	
<p>4. Whether the property is occupied— (A) Wholly as a private residence - - - - (A) or (B) Partly as a dwelling-house and partly for trade or business purposes - - - (B) or (C) Solely for trade or business purposes with no person residing on the premises other than a caretaker - (C) (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (D) Nature of the business (if any) - (D)</p>	
<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - -</p>	
<p>6. Amount of rent - - - - or If ground rent only is paid state its amount - - - -</p>	<p>£ per £ per</p>

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<p>7. Whether the property is held under lease or agreement for a period of years - - - - - <i>or</i> By the year quarter month or week - - - - -</p>	
<p>8.—(A) Date of commencement of term of lease or agreement - (B) Term of years for which granted (C) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - - (If none insert "None.")</p>	<p>(A) (B) (C) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated <i>i.e.</i> the amount at which the property is worth to be let by the year the owner keeping it in repair - - - - -</p>	<p>} Annual Value £</p>
<p>10.—(A) Amount of land tax (if any) - (B) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 - (State in each case whether borne by the landlord or tenant.)</p>	<p>(A) £ . Borne by the (B) £ . Borne by the</p>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -</p>	
<p>12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - - (If each undertakes to bear part only of the cost of repairs state the particulars.)</p>	

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

THE THIRD SCHEDULE.

A.D. 1922.

Referred to in the Section of the foregoing Act of which the marginal note is "Power to use one form of mortgage for all purposes."

FORM OF MORTGAGE.

BOROUGH OF WORTHING.

By virtue of the Worthing Corporation Act 1922 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Worthing (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ nineteen hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the municipal offices in the said borough [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an indorsement to be made hereon under the hands of the town clerk of the borough for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest

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A.D. 1922. the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this _____ day of _____ nineteen hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____ consenting
the within-mentioned time for repayment of the within-mentioned
principal sum of _____ is hereby
extended to the _____ day of _____
nineteen hundred and _____ [and the interest
to be paid thereon on and from the _____ day of
_____ nineteen hundred and _____
is hereby declared to be at the rate of _____ per
centum per annum].

Dated this _____ day of _____
nineteen hundred and _____

FORM OF TRANSFER OF MORTGAGE.

I (the within-named) _____ of _____
in consideration of the sum of _____ pounds
paid to me by _____ of _____
(hereinafter referred to as "the transferee") do hereby transfer
to the transferee (his) executors administrators and assigns (the
within-written security) (the mortgage number _____
of the revenues of the mayor
aldermen and burgesses of the borough of Worthing bearing date
the _____ day of _____) and
all my right and interest under the same subject to the several
conditions on which I hold the same at the time of the execution
hereof and I the transferee for myself my executors administrators
and assigns do hereby agree to take the said mortgage security
subject to the same conditions.

Dated this _____ day of _____
nineteen hundred and _____

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