



CHAPTER lxiii.

An Act to enable the mayor aldermen and bur-
gesses of the county borough of Brighton to
purchase lands and exercise further powers for
the prevention of contamination of their water
supply and for other purposes of their water
undertaking.

A.D. 1924.

[1st August 1924.]

WHEREAS under the Brighton Corporation Water-
works Act 1872 the Brighton Corporation Water
Act 1896 and other Acts the mayor aldermen and bur-
gesses of the county borough of Brighton (in this Act
called "the Corporation") are authorised to supply and
are supplying water within the said borough and the
borough of Hove the urban districts of Portslade-by-Sea
Shoreham-by-Sea and Southwick and parts of the rural
districts of Newhaven Steyning East and Steyning West :

And whereas the Corporation's supply of water
is derived from the chalk formation by means of pumping
stations and wells collecting chambers and adits con-
nected therewith known as the Patcham Mile Oak
Shoreham Falmer and Goldstone pumping stations :

And whereas it is expedient for the purpose of
preventing the contamination of and ensuring the
continued purity of the water supplied by the Corporation
that the Corporation be empowered to purchase the lands
in this Act described and to exercise the other powers
in this Act contained and that the other provisions of
this Act be enacted :

[Ch. lxiii.] *Brighton Corporation* [14 & 15 GEO. 5.]
Water Act, 1924.

A.D. 1924.

— And whereas the objects aforesaid cannot be effected without the authority of Parliament :

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 the approval of the Ministry of Health has been obtained :

And whereas plans showing the lands liable to be taken compulsorily under the powers of this Act and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of East Sussex and are in this Act respectively referred to as the deposited plans 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 (that is to say) :—

Short title.

1. This Act may be cited as the Brighton Corporation Water Act 1924.

Incorporation of Acts.

2. The Lands Clauses Acts (so far as applicable for the purposes of and not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act For the purposes of this Act the expression "the promoters of the undertaking" in the Lands Clauses Consolidation Act 1845 shall mean the Corporation.

Interpretation.

3.—(1) In this Act unless the subject or context otherwise requires :—

"The borough" means the county borough of Brighton;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The town clerk" and "the waterworks engineer" mean respectively the town clerk of the borough and the waterworks engineer of the Corporation and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of either such officer;

“The water undertaking” means the water undertaking of the Corporation as from time to time existing;

“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;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or 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 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

“The borough fund” and “the borough rate” mean respectively the borough fund and borough rate of the borough.

(2) The expression “the waterworks fund” means in this Act and shall after the passing of this Act mean in any former local Act relating to the Corporation the rates

[Ch. lxiii.] *Brighton Corporation* [14 & 15 GEO. 5.]
Water Act, 1924.

A.D: 1924. — charges and other revenues received by the Corporation from the water undertaking including all rents and other revenues arising from any land or other property for the time being belonging to the Corporation and forming part of the water undertaking.

(3) Terms and expressions to which meanings are assigned by the Public Health Act 1875 shall have in this Act the same respective meanings unless the subject or context otherwise requires.

Power to
purchase
lands com-
pulsorily.

4. For the purpose of preventing the contamination of any water which can or may be intercepted taken or pumped by means of the Patcham pumping station of the Corporation and any well adit or other work connected with that pumping station and of ensuring the continued purity of the waters to be obtained from that pumping station the Corporation may enter upon and take the lands hereinafter described in the parish of Patcham in the rural district of Steyning East in the county of East Sussex as shown on the deposited plans and described in the deposited book of reference and may hold and use the same for the purposes of and in connection with the water undertaking.

The lands above referred to are :—

- (a) Lands known as the Sweet Hill Estate situate on the western side of the London and Brighton main line of railway of the Southern Railway Company comprising about 243·5 acres and bounded on the east by the said railway and on all other sides by lands of the Corporation :
- (b) A strip of land situate between the said railway and the London and Brighton main road and extending from the northern boundary of the parish of Patcham to the road leading from the said main road to Waterhall Farm :
- (c) Lands situate on the east side of the said main road and extending from the northern boundary of the parish of Patcham to the Old Toll Gate comprising about 912 acerse and consisting of the following areas :—
 - (i) Lands situate on the east side of the said main road and extending from the

northern boundary of the parish of Patcham to a point about 722 yards southwards therefrom and having a width of about 220 yards and comprising about 31·5 acres;

A.D. 1924.

(ii) Lands situate on the east side of the said main road and extending from the Old Toll Gate northwards for about 750 yards and having a width of about 200 yards and comprising about 29·5 acres;

(iii) Lands comprising about 851 acres and bounded on the west partly by the lands (i) hereinbefore described partly by the said main road and partly by the lands (ii) hereinbefore described on the north and east by the northern and eastern boundaries of the parish of Patcham and on the south by a line commencing at the point where the eastern boundary of the said parish intersects the Ladies Mile Road and drawn thence in a westerly direction along the footpath which leads past the northern side of Eastwick Barn to Patchamcourt Farm to the point where that footpath joins the footpath leading to Tegdown Hill thence in a southerly direction for a distance of about 90 yards thence in a westerly direction to the roadway leading from the last-mentioned footpath to Patchamcourt Farm and thence along the northern boundary of that roadway past Patchamcourt Farm to the south-eastern corner of the lands (ii) hereinbefore described.

5. Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not acquire (except by agreement) any of the lands described in the immediately preceding section of this Act and belonging to the East Sussex County Council at the date of the passing of this Act and abutting on the said London and Brighton main road but no part of any such lands shall without the consent of the Corporation be used for any purpose which would involve the construction thereon of any urinal cesspool pigstye cattleshed stable slaughterhouse or manure pit or any structure or work for the

For protec-
tion of East
Sussex
County
Council.

[Ch. lxxiii.] *Brighton Corporation* [14 & 15 GEO. 5.]
Water Act, 1924.

A.D. 1924. conveyance or disposal of trade effluent from which contamination might arise to the said waters.

Incorporation of sections of Act of 1903 relating to lands.

6. The following sections of the Brighton Corporation Act 1903 shall so far as the same are applicable extend and apply to the lands authorised to be acquired by this Act and to the Corporation with respect thereto as if those sections were re-enacted in this Act with any necessary alterations and with the substitution of the words "county of East Sussex" for "county of Sussex" namely:—

Section 40 Correction of errors &c. in deposited plans and book of reference.

Section 41 Limitation of time for compulsory purchase of lands.

Section 42 Power to take easements &c. by agreement.

Compensation limited in certain cases.

7. For the purposes of determining any question of disputed compensation payable in respect of land taken under the powers of this Act the tribunal to whom the question is referred shall not award any sum of money—

(a) For or in respect of any improvement alteration or building made after the ninth day of November nineteen hundred and twenty-three if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made with a view to obtaining or increasing compensation under this Act; or

(b) For or in respect of any increase in the value of the land caused by the construction or the anticipated construction after the said ninth day of November along the London and Brighton main road of a main sewer connecting with the sewers of the Corporation:

Nor in the case of any interest in lands created after the said ninth day of November which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid by the Corporation.

Power to enter upon

8. The Corporation and their surveyors officers and workmen and any person duly authorised in writing

under the hand of the town clerk may at all reasonable times upon giving on the first occasion twenty-four hours' and on any subsequent occasion twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

A.D. 1924.
—
property
for survey
and valua-
tion.

9.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purpose 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 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 in any lands acquired by them under this Act or acquired for the purposes of or in connection with the water undertaking under any general or local Act or Order having the force of an Act and for the time being in force (other than the Housing Acts 1890 to 1921) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposal of such lands or interests in lands and may do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposal and on any exchange may give or take any money for equality of exchange.

Retention
and disposal
of lands.

(2) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease exchange or other disposal of any lands of the Corporation in any case in which such consent would be required if this Act had not been passed or authorise the Corporation to use any lands so acquired as aforesaid for any purpose which in the opinion of the Ministry of Health would or might cause or lead to the contamination of any waters which can or may be intercepted taken or pumped by means of any pumping station of the Corporation or any well collecting chamber adit or other work connected with any such pumping station.

A.D. 1924.

Byelaws
for pre-
venting
contamina-
tion of
water.

10.—(1) For the purpose of preventing the contamination of any waters which can or may be intercepted taken or pumped by means of the pumping stations of the Corporation respectively known as the Patcham Mile Oak and Shoreham pumping stations and any well collecting chamber adit or other work connected with any of those pumping stations (which waters are hereinafter referred to as “the said waters”) and of ensuring the purity of the said waters the Corporation may make byelaws for all or any of the purposes mentioned in subsection (2) of this section and to be in force in the respective areas described in subsection (3) of this section or in such part or parts of those respective areas as may be prescribed by the byelaws. Each of the said areas or the part or parts thereof in which any byelaws made under this section are for the time being in force is hereinafter in this Act referred to as a “zone of protection.”

(2) By any byelaws to be made under subsection (1) of this section the Corporation may—

- (i) prohibit (either absolutely or subject to such conditions as may be prescribed by the byelaws or approved by the Corporation) the construction or use in the zone of protection to which the byelaws relate of (a) any watercloset or urinal unless connected to the satisfaction of the Corporation with a drain or sewer approved by the Corporation and communicating with a sewage disposal work so approved or with an approved cesspit or cesspool as hereinafter defined or (b) any cesspit or cesspool or other work for the storage of sewage other than an approved cesspit or cesspool or (c) any pigsty cattle shed stable slaughterhouse or manure pit unless constructed with an impervious floor or (d) any structure or work for the conveyance or disposal of trade effluent from which contamination might arise to the said waters;
- (ii) prohibit any person from causing allowing or suffering the percolation from any lands in the zone of protection into the subsoil thereof or the flow over or on to the exposed surface of any chalk within the zone of protection of the discharge from any watercloset urinal privy or

midden receptacle for sewage pigsty cattle shed stable slaughterhouse or manure pit Provided that any such byelaw prohibiting such percolation as aforesaid shall not have effect—

A.D. 1924.

(a) so as to prevent any person from disposing of any such discharge as aforesaid by means of broad irrigation on the surface soil overlying the chalk in such a manner as not to endanger the purity of the said waters; or

(b) in respect of any lands unless and until the owner lessee or occupier of such lands has been served with notice in writing by the Corporation that the byelaw shall have application with respect to such lands;

(iii) prescribe the construction and maintenance and require the exclusive user in the zone of protection of proper drains sewers closets and other sanitary works; and

(iv) require the removal of any structure or work which has been constructed or is used in contravention of any such byelaw and otherwise make provision for the prevention of any act or thing in the zone of protection tending to the contamination of any such waters as aforesaid.

(3) The areas referred to in subsection (1) of this section are :—

(i) In relation to the Patcham pumping station—

So much of the parishes of Patcham Hangleton and West Blatchington in the rural district of Steyning East and of the parishes of Newtimber and Pyecombe in the rural district of Cuckfield and of the parish of Ditchling in the rural district of Chailey (all in the county of East Sussex) as is situate within a distance of two miles from the Patcham pumping station but except (a) so much of the parish of Hangleton as is situate to the west of the Dyke Branch Railway and (b) so much of

A.D. 1924.
—

the parishes of Patcham and West Blatchington as is situate to the south of a line drawn due east and west through the junction of Surrenden Crescent and the London and Brighton main road.

(ii) In relation to the Mile Oak pumping station—

So much of the parishes of Fulking Hangleton Portslade and Poynings in the rural district of Steyning East in the county of East Sussex and of the parishes of Upper Beeding Edburton and Old Shoreham in the rural district of Steyning West and of the parish of Kingston-by-Sea in the urban district of Shoreham-by-Sea and of the urban district of Southwick (all in the county of West Sussex) as is situate within a distance of two miles from the Mile Oak pumping station but except (a) so much of the urban districts of Shoreham-by-Sea and Southwick as is situate to the south of a line drawn due east and west through the northernmost corner of the Southdown Brewery at Portslade and (b) so much of the parishes of Upper Beeding Edburton Fulking and Poynings as is situate to the north of a line drawn due east and west through the centre of Paythorne Barn in the parish of Fulking.

(iii) In relation to the Shoreham pumping station—

So much of the parishes of Coombes Lancing and Old Shoreham in the rural district of Steyning West and of the parish of Shoreham-by-Sea in the urban district of Shoreham-by-Sea all in the county of West Sussex as is situate within a distance of one mile from the Shoreham pumping station but except (a) so much of the parishes of Lancing and Shoreham-by-Sea as is situate to the south of the Upper Shoreham road and (b) so much of the estate belonging to the owners of Lancing College which is edged blue on the plan signed in triplicate by Algernon Hawkins Thomond Keith-Falconer Earl of Kintore

A.D. 1924.

the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and deposited as to one copy at the Parliament Office as to another copy at the Private Bill Office of the House of Commons and as to the third copy at the town hall Brighton as is situate to the west of the line coloured red on that plan:

Provided further that so much of the said estate as is situate to the east of the said line coloured red on the said plan shall not be included within the zone of protection in relation to the Shoreham pumping station until such date as a well or bore-hole shall have been sunk by the Corporation in connection with that pumping station below the level of 50 feet below Ordnance datum and in any case not for a period of three years from the passing of this Act.

(4) The expression "an approved cesspit or cesspool" in subsection (2) of this section means a cesspit or cesspool which (i) is constructed of cast iron at least one inch in thickness and (ii) is watertight and (iii) is provided with proper socket connections for drain pipes and a watertight detachable cover of iron or stone and (iv) has no overflow or outlet pipe except an orifice in such cover for the escape of gases or for the removal of the liquid contents of the cesspit or cesspool.

(5) The owner of or other person interested in any lands within a zone of protection who may be affected by any byelaws made under this section shall be entitled to be furnished with a copy thereof and to object to the confirmation thereof.

(6) All byelaws made under this section shall be subject to the approval of the council of each district comprising any part of the zone of protection within which it is proposed that such byelaws shall be in force Provided that such approval shall not be necessary where in the opinion of the Ministry of Health it has been unreasonably withheld or delayed.

(7) The provisions of sections 182 to 186 of the Public Health Act 1875 shall apply to byelaws made by the Corporation under this section as if they were byelaws made by an urban sanitary authority (not being the

[Ch. lxiii.] *Brighton Corporation* [14 & 15 GEO. 5.]
Water Act, 1924.

A.D. 1924. — council of a borough) under and for the purposes of the said Act of 1875 Provided that the maximum penalties which may be imposed by any byelaws made under this section shall be a penalty of twenty pounds for each offence and a daily penalty of five pounds for a continuing offence instead of the penalty of five pounds and daily penalty of forty shillings mentioned in section 183 of the said Act Provided also that notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for the recovery of any penalty imposed by any such byelaw may be taken by the Corporation without the consent in writing of the Attorney-General.

(8) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local sanitary authority of the district in which such lands are situate or which for reasons which appear to such local sanitary authority to be sufficient have or has not in fact been required by such local sanitary authority and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889 and for the purposes of this subsection the expression "legal rights" shall include a user of land in respect of which the local authority might have taken proceedings under the Public Health Acts or under their byelaws but have decided not to do so having regard to the character or situation of the land.

For protec-
tion of
certain
local
authorities.

11.—(1) If—

- (i) at any time after the passing of this Act the local authority for any district in which a part of any of the areas described in subsection (3) of the last preceding section of this Act (each of which areas is in this section referred to as a "specified zone") is situate decide (a) to construct a sewer for the sewerage of any area which includes the whole or any portion of that part of such specified zone or (b) to enlarge a sewer into which the sewage or part of the sewage from any specified zone

is discharged either immediately or ultimately or (c) to make further provision for the disposal of sewage coming wholly or in part from any specified zone; and

A.D. 1924.

- (ii) at the date of the decision of the local authority there are in force or the Corporation are taking steps to put in force in the case of decision (a) within the whole or such portion as aforesaid of the said part of such specified zone or in the case of decision (b) or decision (c) within such specified zone any byelaws authorised under the last preceding section of this Act ; and
- (iii) the Corporation and the local authority agree or the Ministry of Health (on the application of either party) determine that having regard to all the circumstances the construction or enlargement of the sewer or the further provision for the disposal of sewage (as the case may be) is reasonable but that in the case of decision (a) the construction of the sewer or some part thereof would not be necessary at the date of the decision in the absence of any waterworks of the Corporation in any specified zone any part of which is comprised in the said area and in the case of decision (b) or decision (c) the enlargement of the sewer or some portion of such enlargement or the further provision for the disposal of sewage or some part of such provision (as the case may be) would not be necessary at the date of the decision in the absence of any waterworks of the Corporation in any of the specified zones where byelaws are in force or steps to put byelaws in force are being taken by the Corporation

then and in those events the Corporation shall pay to the local authority :—

- (a) the interest and sinking fund payments or contributions incurred annually by the local authority in respect of any moneys borrowed for ; and/or
- (b) such annual sum as the Corporation and the local authority agree or the said Ministry (on

A.D. 1924.

the application of either party) determine in respect of the amount expended otherwise than out of borrowed moneys on

the construction of the whole or such part of the sewer or the whole or such portion of the enlargement of the sewer or the whole or such part of the further provision for the disposal of sewage (as the case may be) as from time to time the Corporation and the local authority agree or the said Ministry (on the application of either party) determine would not be necessary (apart from the protection of the waterworks of the Corporation) in the case of decision (a) for the adequate sewerage of the said area or in the case of decision (b) for adequately dealing with the sewage or part of the sewage from or in the case of decision (c) for adequately disposing of sewage coming wholly or in part from any specified zone where byelaws are in force or steps to put byelaws in force are being taken by the Corporation. Provided that no application shall be made to the said Ministry for a determination of any question as to any annual payment to be made by the Corporation under this subsection within two years after the last previous occasion on which the same question shall have been agreed or determined by the said Ministry as the case may be.

(2) In addition to the provision contained in subsection (1) hereof if the Corporation shall require any local authority to use iron instead of earthenware pipes for any sewer the extra cost thereof shall be borne by the Corporation unless the said Ministry shall (on the application of the Corporation) determine that iron pipes would have been necessary in the absence of any waterworks of the Corporation.

(3) If the authority responsible for the maintenance of any highway in any of the specified zones shall be required by the Corporation to construct filtration or other works for dealing with surface water from the highway the cost of the construction of such works shall be borne by the Corporation.

(4) If during the period when any byelaws made under the said section of this Act are in force in any specified zone the local authority for any district which includes a part of such specified zone empty and dispose of the contents of any cesspit cesspool or pail closet and

for that purpose incur expense which would not have been necessary if the byelaws had not been in force the Corporation shall pay to the local authority all expense reasonably incurred by them for the said purpose and any dispute as to whether any such expense has been reasonably incurred shall be determined by the said Ministry. A.D. 1924.
—

12. Nothing in this Act or in any byelaw made under this Act shall prejudice or affect any of the agreements dated respectively the eleventh day of October nineteen hundred and one the fifth day of April nineteen hundred and five the twenty-seventh day of November nineteen hundred and seven the eleventh day of May nineteen hundred and nine the thirteenth day of December nineteen hundred and ten and the ninth day of January nineteen hundred and twenty-three each of which agreements is made between the Portslade and Southwick Outfall Sewerage Board of the first part the urban district council of Portslade-by-Sea of the second part and the rural district council of Steyning East of the third part. Saving for
certain
agreements.

13.—(1) The waterworks engineer or other person duly authorised by the Corporation (if he has reasonable ground for believing that any byelaw made under this Act is being contravened or is not being complied with) shall be entitled to enter examine and lay open any lands within any zone of protection where the byelaw is in force and any building or other premises situate on any such lands and for the purposes of this section sections 102 103 and 305 of the Public Health Act 1875 shall apply in the same manner as if the Corporation were the local authority for the district in which such lands building or premises are situate and as if any contravention of or non-compliance with any such byelaw were a nuisance within the meaning of the said section 102 and as if the purpose of ascertaining whether any such byelaw is being contravened or is not being complied with were one of the purposes mentioned in the said section 305 Provided that in every case where no contravention or non-compliance with any such byelaw is discovered the Corporation shall at their own expense reinstate and make good the lands and premises so laid open and shall make compensation for any damage caused in the exercise of the powers of this section. Provisions
for enforce-
ment of
byelaws.

[Ch. lxiii.] *Brighton Corporation* [14 & 15 GEO. 5.]
Water Act, 1924.

A.D. 1924.

(2) Where any person has been convicted of any contravention of or non-compliance with any byelaw made under this Act the court may (whether they impose a penalty or not) order that such works acts and things as are in their opinion necessary in order to comply with such byelaw shall be executed or done by such person forthwith and if such person shall not comply with the order of the court within such period as may be prescribed by the order the Corporation may themselves cause such works acts or things as aforesaid to be executed or done and may recover from such person the expenses incurred by them in the execution or doing thereof.

Penalties on occupiers refusing to give names of owner.

14. If the occupier of any premises within a zone of protection when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him refuses or wilfully omits to disclose or wilfully mis-states the same he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

Penalty on occupier obstructing compliance with byelaw.

15.—(1) If after notice of this provision shall have been given by the owner to the occupier of any lands building or premises within a zone of protection the occupier shall prevent the owner from carrying into effect any requirement of any byelaw made under this Act or from doing any act or thing necessary to comply with any such byelaw any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute such work or do such act or thing as may be necessary for the purpose of carrying into effect any such requirement or complying with any such byelaw.

(2) If after the expiration of forty-eight hours from the service of such order the occupier shall continue to refuse to permit the owner to execute such work or do such act or thing the owner shall nevertheless be entitled to enter on or into such lands building or premises and to execute such work and do such act or thing as may be necessary as aforesaid and the occupier shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings.

Power to purchase

16.—(1) For the purpose of protecting any of their waters and waterworks against contamination nuisance

encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands or may acquire an option to purchase any lands and may hold any lands so purchased taken on lease or acquired by them and any other lands which the Corporation may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes.

A.D. 1924.
—
and hold
lands and
exercise
powers for
protection
of waters
and water-
works.

(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 or permit the erection of any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the 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 (including the lands described in the section of this Act of which the marginal note is "Power to purchase lands compulsorily") construct and lay down drains sewers water-courses 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 supply of the Corporation from being contaminated and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road 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.

17. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands 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 flowing percolating or drawn on from through or under such lands and which the Corporation are for the time being authorised to take.

Power to
agree as to
drainage
of lands.

A.D. 1924.

—
Reserva-
tions on sale
of lands.

18. The Corporation on selling any lands acquired for or in connection with the 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 method of cultivation use of water exercise of noxious trades or discharge flow or deposit of sewage or manure or other impure matter whether liquid or solid and otherwise as they may think fit.

In executing
works for
owner &c.
Corporation
liable for
negligence
only.

19. Whenever the Corporation under this Act or any byelaw made thereunder 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 of any contractor or other person employed by them be liable to pay any damages penalties costs charges or expenses for 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 and 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.

Apportion-
ment of
expenses in
case of
several
owners or
occupiers.

20. Where the Corporation under this Act or any byelaw made thereunder execute re-execute or alter any work or do any act or thing for the common benefit of lands buildings or other premises belonging to two or more different owners or occupiers any expenses which under this Act may be recoverable by the Corporation from those owners or occupiers shall be paid by the owners or occupiers in such proportions as shall be determined by the waterworks engineer or in case of dispute by a court of summary jurisdiction.

Expenses
may be de-
clared
private im-
provement
expenses.

21. The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those

expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

A.D. 1924.

22.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall repay all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column thereof (namely):—

Power to borrow.

Purpose.	Amount.	Period of repayment.
(a) For the purchase of lands in the parish of Patcham.	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) For paying the costs charges and expenses referred to in the final section of this Act.	The sum requisite.	Five years from the passing of this Act.

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

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge the waterworks fund and if they think fit (as a collateral security) the borough fund and borough rate.

23. The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority (except where the same are in this Act expressly altered or varied) shall apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act:

Provisions of Public Health Act as to mortgages to apply.

[Ch. lxiii.] *Brighton Corporation* [14 & 15 GEO. 5.]
Water Act, 1924.

A.D. 1924.

Provided always that the respective mortgagees shall be entitled one with another to their respective proportions of the funds and rate comprised in their mortgages respectively according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively and to be repaid the sum so advanced with interest without any preference one above another by reason of the priority of advancing such moneys or the dates of any such mortgages respectively.

Mode of
payment
off of
money
borrowed.

24. All moneys borrowed by the Corporation under the authority of this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund. Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

Sinking
fund.

25.—(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 and maintained either :—

- (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 will with accumulations at a rate not exceeding three and a half per centum per annum or such other rate as the Minister of Health may from time to time approve 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. A.D. 1924.

(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 the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(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

A.D. 1924: 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 provisions 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 of the water undertaking as the Corporation with the consent of the Minister of Health may determine.

Power to invest sinking funds in statutory securities.

26.—(1) 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 for the purposes of or in connection with the

water undertaking 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. A.D. 1924.

(2) The Corporation may also invest in statutory securities any sums set apart to any contingency fund formed under section 38 of the Brighton Corporation Waterworks Act 1872 and the interest on the moneys in or investments of such fund.

27. The sections of the Brighton Corporation Act 1903 hereinafter mentioned shall with any necessary modifications extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act namely—

Applica-
tion of
certain
financial
provisions
of Act of
1903.

Section 48 Protection of lenders from inquiry.

Section 51 Annual return to Local Government Board with respect to repayment of moneys borrowed on mortgage.

Section 52 Proceeds of sale of surplus lands to be treated as capital.

Section 53 Power to re-borrow.

Section 54 Power to borrow under Local Loans Act.

Section 57 Application of money borrowed.

Section 58 Saving for existing charges.

Section 66 Corporation not to regard trusts.

28.—(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 the 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.

[Ch. lxiii.] *Brighton Corporation* [14 & 15 GEO. 5.]
Water Act, 1924.

A.D. 1924.

—
Expenses
of water
under-
taking.

29.—(1) All expenses incurred by the Corporation in carrying into execution the Brighton Corporation Waterworks Act 1872 the Brighton Corporation Water Act 1896 and this Act or otherwise incurred for the purposes of or in connection with the water undertaking (except such of those expenses as may be and are paid out of borrowed moneys or out of the contingency or depreciation fund formed under section 39 of the said Act of 1872 or are otherwise provided for) shall be paid out of the waterworks fund and if and so far as that fund is insufficient out of the borough fund and borough rate.

(2) Section 25 (Special water rate) section 26 (Amount of rate to include expenses of recovering it) and section 27 (Special water rates may be collected as borough rates) of the said Act of 1872 are hereby repealed.

Informa-
tions by
whom to
be laid.

30. 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 byelaws made thereunder may be laid and made by an officer of the Corporation authorised in that behalf or by the town clerk.

As to
breach of
conditions
of consent
of Corpo-
ration.

31. Where under this Act or under any byelaw made thereunder 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.

Damages
and charges
to be settled
by justices.

32. 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 disputes respecting the same may be settled or determined by a court of summary jurisdiction before whom any offender is convicted.

Application
of section
265 of
Public
Health Act
1875.

33. 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.

34. The sections of the Brighton Corporation Act 1903 hereinafter mentioned shall with any necessary modifications extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act namely—

- Section 60 Recovery of penalties &c.
- Section 63 Saving for indictment.
- Section 64 Judges &c. not disqualified.
- Section 65 Powers of Act cumulative.

A.D. 1924.
—
Incorporation of certain administrative provisions of Act of 1903.

35. Nothing contained in this Act shall in any way affect or limit the rights powers and privileges conferred on the Burgess Hill Water Company in respect of the parish of Ditchling in the rural district of Chailey by the Burgess Hill Water Acts 1871 to 1901.

For protection of Burgess Hill Water Company.

36. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Crown rights.

37. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons and the costs incurred by the Corporation in or with the object of complying with the provisions of the Borough Funds Acts 1872 and 1903 with respect to the Bill for this Act shall be paid by the Corporation out of the waterworks fund or out of moneys borrowed under this Act for that purpose.

Costs of Act.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C. 2; 28, Abingdon Street, London, S.W. 1;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
or 120, George Street, Edinburgh;
or through any Bookseller.

