



CHAPTER xli.

An Act to authorise and confirm the construction A.D. 1929.
by the Crowborough District Water Company
of certain new and existing works to increase
the capital and borrowing powers of the Company
to revise the powers of charge of the Company
and for other purposes. —
[10th May 1929.]

WHEREAS the Crowborough District Water Com-
pany (hereinafter referred to as "the Company")
were incorporated by the Crowborough District Water
Act 1897 (hereinafter called "the Act of 1897") and
were empowered to construct waterworks and to supply
water in certain parishes and places in the county of
Sussex :

And whereas by the Crowborough District Water
Act 1899 (hereinafter called "the Act of 1899") the
limits of supply of the Company were extended so as to
include certain other parishes and places partly in the
said county of Sussex and partly in the county of Kent
and by the said Act and by the Crowborough District
Water Company (Modification of Charges) Order 1922
made by the Minister of Health under the Water Under-
takings (Modification of Charges) Act 1921 further
powers were conferred upon the Company :

And whereas the demand for water within the limits
of supply of the Company has increased and is increasing
and it is expedient for enabling the Company to meet
such demand and to supply water in the said limits that

A.D. 1929. — the Company should be empowered to make and maintain the works described in this Act :

And whereas the Company have acquired certain freehold and leasehold lands in the parishes of Crowborough and Rotherfield such leasehold lands being held by the Company under a lease dated the fifteenth day of June one thousand nine hundred and twenty-eight and made between the most Honourable Henry Gilbert Ralph (third) Marquess of Abergavenny of the one part and the Company of the other part and have upon the said freehold and leasehold lands constructed certain works for the taking and intercepting of water and for its storage and distribution for the purposes of their undertaking and it is expedient with a view to obviating any doubt as to the right of the Company to maintain and use the works so constructed by them that the construction of the said works should be confirmed and that such further powers with reference thereto as are contained in this Act should be conferred on the Company :

And whereas the Company were authorised by the Act of 1897 to raise capital to the amount of thirty thousand pounds which power they have exercised by the creation and issue of three thousand ordinary shares of ten pounds each entitled to a maximum dividend of ten per centum per annum and by the Act of 1899 to raise capital to the amount of twenty thousand pounds which power they have exercised by the creation and issue of five hundred and fifty ordinary shares of ten pounds each entitled to a maximum dividend of seven per centum per annum and of one thousand four hundred and fifty preference shares of ten pounds each entitled to a dividend of four pounds ten shillings per centum per annum :

And whereas the Company under the Acts of 1897 and 1899 were authorised to borrow on mortgage of their undertaking or raise by the creation and issue of debenture stock sums not exceeding twelve thousand five hundred pounds which power they have exercised by the creation and issue of twelve thousand five hundred pounds of perpetual debenture stock bearing interest at the rate of four pounds per centum per annum :

And whereas it is expedient that the Company should be authorised to raise additional capital and to

raise further moneys by borrowing on mortgage or by the creation and issue of debenture stock : A.D. 1929.

And whereas it is expedient that the powers of charge of the Company as defined by the said Acts and Order should be revised and altered :

And whereas it is expedient that such further powers should be conferred upon the Company and such other provisions should be made as are contained in this Act :

And whereas plans and sections showing the lines or situations and levels of the works authorised by this Act and also a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands in or through which such works may be made were duly deposited with the clerk of the peace for the administrative county of East Sussex and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Crowborough District Water Act 1929 and the Act of 1897 the Act of 1899 and this Act may be cited together as the Crowborough District Water Acts 1897 to 1929. Short and collective titles.

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

Part I.—Preliminary.

Part II.—Construction and confirmation of works &c.

Part III.—Additional capital and borrowing powers.

Part IV.—Powers of charge.

Part V.—Administrative provisions.

Part VI.—Miscellaneous provisions.

Act divided into Parts.

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Incor-
poration
of Acts.

3. The following Acts and parts of Acts (namely):—

(a) The Lands Clauses Acts Provided that any question of disputed compensation to which the provisions of the Lands Clauses Acts as incorporated with this Act apply (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of agreement appointed by the Minister of Health on the application of either party;

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

(c) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested; A.D. 1929.
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and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts;

are except where the same are inconsistent with or expressly varied by this Act hereby incorporated with and form part of this Act.

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

“The Company” means the Crowborough District Water Company;

“The directors” means the directors for the time being of the Company;

“The undertaking” means the undertaking of the Company as for the time being authorised;

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

“The Act of 1897” means the Crowborough District Water Act 1897;

“The Act of 1899” means the Crowborough District Water Act 1899;

“The Ordnance map” means the $\frac{1}{2500}$ Ordnance survey of the county of Sussex (East) edition of 1910;

“The new waterworks” means the works of which the construction is authorised by this Act;

“The confirmed waterworks” means the works both upon freehold and leasehold land referred to in the section of this Act of which the marginal note is “Confirming construction of existing waterworks and acquisition of lands.”

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PART II.

CONSTRUCTION AND CONFIRMATION OF
WORKS &C.Power to
make works.

5. Subject to the provisions of this Act the Company may in the county of Sussex in the lines and situations delineated on the deposited plans and upon the lands shown on those plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works (that is to say) :—

- (a) A pumping station and well in the parish of Withyham in the rural district of East Grinstead to be situate in the enclosure numbered 689 in that parish on the Ordnance map sheet VI-15;
- (b) A service reservoir in the parish of Wadhurst in the rural district of Ticehurst to be situate at Bestbeece Hill.

Power to
deviate.

6. In constructing the new waterworks the Company may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of deviation marked on those plans and may also deviate vertically from the levels shown on the deposited sections to such extent as they may think fit Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition thereto.

Time for
completion
of new
water-
works.

7. If the new waterworks are not completed within the following periods from the passing of this Act that is to say as regards the pumping station and well in the parish of Withyham fifteen years and as regards the service reservoir in the parish of Wadhurst five years then at the expiration of such respective periods the powers by this Act granted for the making and construction of such works respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed but nothing in this section contained shall restrict the Company from at any time extending enlarging altering renewing or removing any of the new waterworks or from exercising any of the

powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require.

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8.—(1) For the purpose of constructing maintaining repairing cleansing or examining any of the new waterworks or for the purpose of disposing of any water flowing into any excavation made by the Company during the construction and for the purposes of any of those works the Company may cause the water in any such work to be temporarily discharged into any available river stream ditch or watercourse Provided that water so discharged shall be as free as may be reasonably practicable from mud or soil or offensive matter.

Temporary discharge of water into streams.

(2) In the exercise of the powers conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation in case of difference to be referred to and settled by an arbitrator to be agreed upon between the Company and the party claiming compensation or failing such agreement to be appointed on the application of either party 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 reference.

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways or works of the Southern Railway Company nor shall the Company cause water to be discharged into any ditch or watercourse constructed for the purpose of draining such railways and works.

9.—(1) The construction by the Company of the following works in the county of Sussex upon freehold lands acquired by the Company (that is to say) :—

Confirming construction of existing waterworks and acquisition of lands.

(a) The extension of the pumping station (Work No. 1) authorised by the Act of 1899 such extension being situate in the parish of Crowborough in the rural district of Uckfield in or under the enclosure numbered 596 in the said parish on the Ordnance map sheet XVII-15 and such parts of the enclosures numbered respectively 512 513 and 595 in the said parish and

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2073 2078 2079 2080 and 2081 in the parish of Rotherfield in the said rural district as lie within a line commencing at the eastern end of the said enclosure numbered 595 passing thence in a south-westerly and westerly direction along the southern boundary of such last-mentioned enclosure for a distance of 5.6 chains or thereabouts passing thence in a straight line in an approximately northerly direction to a point on the boundary between the said enclosure numbered 2078 and the Southern Railway (Lewes and Tunbridge Wells branch) at a point 4.6 chains or thereabouts measured in a south-westerly direction along the said boundary from the northern corner of the last-mentioned enclosure passing thence along the said boundary between such last-mentioned enclosure and the said railway and along the boundary between the said enclosure numbered 2073 and the said railway to a point on such last-mentioned boundary 2.7 chains or thereabouts measured in a north-easterly direction from the northern corner of the said enclosure numbered 2078 passing thence in an approximately easterly direction to a point 4.7 chains or thereabouts measured in an east-north-easterly direction from the northern corner of the last-mentioned enclosure and the like distance in a north-easterly direction from the eastern corner of such last-mentioned enclosure passing thence in a straight line in an approximately southerly direction to the southern corner of the said enclosure numbered 2081 passing thence along the bank of the brook called Crowborough Ghyll in a westerly direction to the point of commencement and under the portion of the said brook adjoining the said enclosure numbered 596;

- (b) The pumping station and well of the Company situate in the parish of Rotherfield in the rural district of Uckfield near Town Row in the enclosures numbered 703 and 788 on the Ordnance map sheets XVII-12 and XVII-16;

together with all buildings machinery adits works and apparatus of whatever description constructed provided and used by the Company for or in connection with the

said works or any of them is hereby sanctioned and confirmed and the Company may maintain and use and from time to time alter improve enlarge extend renew reconstruct or discontinue all or any of the same and may retain hold and use for the purposes of and as part of the undertaking all or any of the lands referred to in this subsection or the easements rights and privileges in over under or affecting the same which have been acquired or appropriated and used by the Company for the purposes of or in connection with the said works and the acquisition or appropriation by the Company of such lands easements rights and privileges is hereby sanctioned and confirmed.

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(2) The construction by the Company of the following works in the county of Sussex upon lands held by the Company on lease (that is to say):—

- (a) The intercepting conduit collecting tanks wells boreholes and pumping stations of the Company situate in the said parish of Rotherfield in the enclosures numbered respectively 943 2049 2050 and 2065 in the said parish on the Ordnance map sheets XVII-11 and XVII-12;
- (b) The line or lines of pipes situate partly in the said parish of Rotherfield and partly in the said parish of Crowborough connecting the said works described in paragraph (a) with the pumping station (Work No. 1) authorised by the Act of 1899;

together with all buildings machinery adits and apparatus of whatever description constructed provided and used by the Company for or in connection with the said works or any of them is hereby sanctioned and confirmed and the Company may during the terms of the lease bearing date the fifteenth day of June one thousand nine hundred and twenty-eight and made between the most Honourable Henry Gilbert Ralph (third) Marquess of Abergavenny of the one part and the Company of the other part and of any extension thereof that may hereafter be granted by the said marquess or his successors in title but subject to the conditions and stipulations of the lease for the time being in force maintain the said works and may on the lands demised by the said lease or extended lease (but as regards works for taking and

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intercepting water only on the enclosures in paragraph (a) of this subsection specifically mentioned or on the enclosure numbered 942 on the said map or on the land forming part of the enclosure thereon numbered 2066 adjoining and to the south of the southern boundary of the said enclosure numbered 2065 and contained between such last-mentioned boundary and the northern boundary of the enclosure numbered 2072 on the said map and lines drawn southward from the eastern and western extremities of the said southern boundary of the said enclosure numbered 2065 to the said northern boundary of the said enclosure numbered 2072) excavate dig bore and break up the surface of the land sink wells or shafts cut construct lay and maintain drains channels tunnels soughs sluices aqueducts pipes and culverts divert streams construct reservoirs and tanks and do all other works and things necessary or suitable for enabling the Company to impound collect and take the water under the said lands and may by means of such works take use and enjoy for the purposes of the undertaking all the water which from time to time may be in or upon or under the said lands whether such water issues from or is or shall be in springs wells ponds or streams or oozing or percolating above or under ground and whether in a defined or known channel or otherwise howsoever but so nevertheless that such rights shall in respect of any water flowing in defined channels be subject and without prejudice to the rights and remedies of any owners or owner other than the said marquess or his successors in title through whose lands the said defined channels may run and the holding by the Company under the said lease or any extension thereof of the lands thereby demised is hereby sanctioned and confirmed.

(3) Nothing in this section shall alter or extend the rights of the Company under any grant of an easement for the purposes of the confirmed waterworks.

Subsidiary
works.

10. The Company may upon the lands delineated on the deposited plans and upon the freehold lands referred to in the section of this Act of which the marginal note is "Confirming construction of existing waterworks and acquisition of lands" and upon the leasehold lands referred to in such last-mentioned section but subject to the terms and conditions of the lease under which the same are held make and maintain all such buildings

machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the new waterworks and the confirmed waterworks or any of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

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11. Subject to the provisions of this Act the new waterworks and the confirmed waterworks shall for all purposes whatsoever form part of and be comprised in the undertaking.

Works to form part of undertaking.

12. The Company may subject to the provisions of this Act pump collect impound take use divert and appropriate or continue to pump collect impound take use divert and appropriate for the purposes of the undertaking all such springs streams or waters as may be or are intercepted by the new waterworks and the confirmed waterworks or any of them or any works in connection with or subsidiary to such works respectively which may be constructed under the powers of the section of this Act of which the marginal note is "Subsidiary works."

Power to take water.

13.—(1) Section 31 (Purchase of land by agreement) of the Act of 1897 and section 15 (Power to take additional lands by agreement) of the Act of 1899 are hereby repealed.

Power to acquire lands and easements.

(2) In addition to the lands and easements which the Company are authorised to hold under the powers conferred upon them by section 25 (Power to make waterworks) of the Act of 1897 section 6 (Power to construct additional waterworks) of the Act of 1899 and the sections of this Act whereof the marginal notes are respectively "Power to make works" "Confirming construction of existing waterworks and acquisition of lands" and "Power to hold lands and exercise powers for protection of waters" the Company may by agreement purchase take on lease or acquire and may hold and use any lands and easements rights or privileges (not being easements rights or privileges to take water in which persons other than the grantors have an interest) in or over under or affecting any lands which they may require for the general purposes of the undertaking not exceeding in the whole ten acres

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

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

(2) The Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor shall they erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Company.

(3) The Company 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 Company are empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across and 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 Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any of the works forming part of the undertaking with reference to the execution by the Company 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 authorised to be collected diverted and appropriated by the Company flowing to upon or from such lands directly or derivatively into any of the works forming part of the undertaking.

15. 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 grant to the Company any easement right or privilege (not being an easement right or privilege of taking water in which persons other than the grantors have an interest) required for the purposes of this Act in over under 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.

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Persons
under
disability
may grant
easements
&c.

16. The Company may on all or any of the lands for the time being held by them in connection with the undertaking execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water) Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

As to
exercise
of powers of
section 12
of Water-
works
Clauses
Act 1847.

17. The Company shall not construct any works for taking or intercepting water from any lands 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 or in some Order confirmed by or having the force of an Act of Parliament.

Limiting
powers of
Company to
take water.

18. For the protection of the Southern Railway Company (in this section referred to as "the Southern Company") the following provisions shall unless otherwise agreed in writing between the Company and the Southern Company apply and have effect:—

For pro-
tection of
Southern
Railway
Company.

- (1) Notwithstanding anything in this Act contained or shown on the deposited plans and sections no part of the pumping station and well in the parish of Withyham in the rural district of East Grinstead by this Act authorised (in this section referred to as "the said works") shall be constructed within a distance of fifteen feet of the embankment of the Three Bridges and Tunbridge Wells railway of the Southern Company :

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- (2) The said works shall not be made maintained or used so as injuriously to affect the railways works or property of the Southern Company or so as to interfere with the traffic thereon and the Company shall be responsible for and make good to the Southern Company all costs charges losses damages and expenses which may be occasioned to the Southern Company by reason of the construction existence user alteration renewal maintenance or failure of the said works or of any act or omission of the Company or of any persons in their employ or of their contractors or others and the Company shall effectually indemnify the Southern Company from all claims and demands upon or against them by reason of such works or of such act or omission :
- (3) The powers conferred upon the Company by the sections of this Act the marginal notes whereof are " Confirming construction of existing works and acquisition of lands " and " Subsidiary works " shall not be exercised so as injuriously to affect the railways and works of the Southern Company or so as to interfere with the traffic on such railways and the Company shall be responsible for and make good to the Southern Company all costs charges losses damages and expenses which may be occasioned to the Southern Company by reason of the exercise of such powers :
- (4) Nothing in this Act contained shall deprive the Southern Company of any right to lateral support for their railways embankments and works.

PART III.

ADDITIONAL CAPITAL AND BORROWING POWERS.

Additional
capital.

19. The Company may from time to time raise additional capital not exceeding in the whole fifty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or

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wholly or partially by one or more of those modes respectively but the Company shall not issue any share under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium or allowing for any discount which may be obtained or allowed on the sale thereof the sum of fifty thousand pounds.

20. The additional capital shall form part of the capital of the Company.

Additional capital to form part of capital of Company.

21. Every person who becomes entitled to shares or stock in the additional capital shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such shares or stock.

Dividends on new shares or stock.

22. The additional capital and the shares or stock therein and the holders thereof respectively shall (except as may be otherwise expressly provided by the resolution creating the same) be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the existing capital of the same class or description and the new shares or stock were shares or stock in that capital.

Shares in additional capital to be subject to same incidents as other shares or stock.

23. The Company shall not in any year make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds of so much of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds of so much of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on so much of such capital as shall be issued as ordinary capital which shall have fallen short of the said rate of seven per centum per annum.

Limits of dividend on additional capital.

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Dividends
on different
classes of
shares or
stock to be
paid
rateably.

24. In case in any year or in any half-year (if the Company declare a dividend half-yearly) the net revenues of the Company applicable to dividend (including any amount which the Company may determine to take from the reserve fund) are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividends payable on each class.

As to back
dividends.

25. Notwithstanding anything in the Waterworks Clauses Act 1847 or any other Act or Order relating to the Company it shall not be lawful for the Company during any year or half-year to apply any of their funds or profits to the making up of the deficiency of any of the dividends payable in respect of any year or half-year prior to the year one thousand nine hundred and twenty-nine.

Restrictions
as to votes in
respect of
preference
shares or
stock.

26. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock in the additional capital to which a preferential dividend shall be assigned.

New shares
or stock
to be sold
by auction
or tender.

27.—(1) All shares or stock created under the powers of this Act shall except as by this Act otherwise expressly provided be issued in accordance with the provisions of this section.

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

(a) Notice of the intended sale shall be given in writing to the clerk of the council of every district wholly or partially within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply;

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- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or the last day for the receipt of tenders as the case may be ;
- (c) In the case of a sale by auction no lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds and a bid shall not be recognised unless it is in advance of the last preceding bid ;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of shares or stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company ;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of those classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amount applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with

A.D. 1929. subsections (2) and (3) of this section and are not sold
— may be disposed of for the purpose of realising the best
price obtainable at such price and in such manner as
the directors may determine.

(5) As soon as possible after the conclusion of the
sale or sales the Company shall send a report thereof
to the Board of Trade stating the total amount of the
respective shares or stock sold the total amount obtained
as premiums (if any) and the highest and lowest prices
obtained for the respective shares or stock.

(6) The provisions of this section shall not apply
to the issue or re-issue of preference shares or stock under
subsection (3) or subsection (4) of the section of this Act
of which the marginal note is "Redeemable preference
shares or stock or debenture stock."

Power to
offer shares
or stock
for sub-
scription.

28. It shall be lawful for the Company with the
consent of the Minister of Health and subject to such
conditions as that Minister may think fit to impose to
offer for subscription by the public any shares or stock
which they are by this Act or may hereafter be authorised
to issue and upon any such offer to pay a commission
not exceeding five per centum to any person in considera-
tion of his subscribing or agreeing to subscribe whether
absolutely or conditionally for any such shares or stock
or procuring or agreeing to procure subscriptions whether
absolute or conditional for any such shares or stock :

Provided that—

(a) the payment of the commission and the
amount or rate per centum of the commission
paid or agreed to be paid shall be disclosed
in every prospectus advertisement or other
document of the Company inviting subscrip-
tions for such shares or stock ;

(b) any shares or stock so offered as aforesaid
shall be issued at as near as may be (and
in no case more than five per centum below)
the average price at which any shares or stock
of the Company of the same class or description
were sold during the year immediately pre-
ceding the offer; and

(c) nothing in this section shall affect any power
of the Company to pay brokerage.

29. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Act by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

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Application of premium arising on issue of shares or stock.

30. Subject to the provisions of this Act but without being required to obtain the certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845 the Company may borrow on mortgage of the undertaking in respect of the capital which has already been raised by them any sum or sums not exceeding in the whole (including any sum or sums already borrowed by the Company) twenty-five thousand pounds.

Power to borrow in respect of authorised capital.

31. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole one-half of the amount of any moneys (including premiums) for the time being raised by the issue of shares or stock under the powers of this Act Provided that no such sum shall be borrowed until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof have been paid up.

Power to borrow in respect of additional capital.

32. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 15 (Debenture stock) of the Act of 1897.

Debenture stock.

33. All mortgages granted by the Company under the authority of the existing Acts before the passing of this Act and subsisting at the date of such passing shall during the continuance of such mortgages and subject to the provisions of the existing Acts have priority over all mortgages granted under the authority of this Act but nothing in this section contained shall affect any

Existing mortgages to have priority.

A.D. 1929. — priority of interest of any debenture stock at any time created and issued by the Company.

Appoint-
ment of a
receiver.

34.—(1) Section 14 (Appointment of a receiver) of the Act of 1897 is hereby repealed but without prejudice to any appointment made before or proceedings pending at the passing of this Act.

(2) The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Company on mortgage.

Redeem-
able
preference
shares or
stock or
debenture
stock.

35.—(1) The directors of the Company may from time to time by virtue of this Act and without further or other sanction or authority issue so as to be redeemable at such times and in such manner and on and subject to such terms and conditions and to bear dividends or interest at such rate or rates as the directors at the time of the issue thereof determine any preference shares or stock or debenture stock (all of which are in this section referred to as and included in the expression "stock") created or hereafter to be created by the Company under the powers conferred by this Act or by the existing Acts.

(2) There shall be stated on each certificate of any such stock the time or times at which and the manner in which and the terms and conditions on and subject to which such stock is to be redeemed.

(3) If it is so provided in the said terms and conditions the Company may—

(a) call in and pay off the stock or any part thereof at any time before the date fixed for redemption; and

(b) redeem the stock or any part thereof either by paying off the stock or by issuing to the holder of any stock subject to his consent other stock in substitution therefor.

(4) For the purpose of providing money for paying off the stock or for the purpose of providing substituted

stock the Company may create and the directors may issue other stock (either redeemable or irredeemable) or the directors may re-issue any stock originally created and issued as aforesaid provided that the creation and issue under the powers of this subsection of stock or of any particular class of stock does not make the total nominal amount of such stock or of stock of such class exceed the amount of such stock or of stock of such class which the Company are for the time being authorised to create and issue except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

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(5) The Company shall not redeem out of revenue any redeemable stock issued under the powers of this section except to the extent of any discount allowed on the issue or any premium payable on the redemption of any such stock.

36.—(1) Any ordinary preference or debenture stock of the Company may be issued held and transferred in amounts of five pounds or of any multiple of five pounds and not otherwise.

Stocks to be held in multiples of five pounds.

(2) Notice of this enactment shall be given in all stock certificates issued by the Company.

37. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable.

Application of money.

PART IV.

POWERS OF CHARGE.

38.—(1) As from the first quarter day after the passing of this Act section 35 (Rates at which water is to be supplied for domestic purposes) section 36 (Certain provisions as to supply) and section 38 (Power to Company to supply water for other than domestic purposes) of the Act of 1897 and the Crowborough Water Company (Modification of Charges) Order 1922 shall be repealed.

Rates for supply of water for domestic purposes.

(2) From and after the said quarter day the Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Acts from time

A.D. 1929. — to time relating to the Company to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding twelve per centum of the net annual value of the premises so supplied and so in proportion for any shorter period than a year. Provided that the Company shall not be required to afford a supply of water for domestic purposes to any premises at a less rate than threepence a week.

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

(4) In addition to the foregoing charges the Company may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the water limits a sum not exceeding ten shillings per annum and for every fixed bath capable of containing as usually filled for use not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing as so filled more than fifty gallons such sum as the Company may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Revision of
rates and
charges.

39.—(1) At any time during the period of three months before and three months after the coming into force within the limits of supply of any and of every new valuation list under the Rating and Valuation Act 1925 the Company or the county council of East Sussex or any local authority having jurisdiction within the limits of supply may apply to the Minister of Health for a revision of the rates and charges for the supply of water authorised by this Act or for the time being in force under any order of the said Minister

made in pursuance of this section and if and whenever any such application is so made and the Minister is satisfied that the cost of labour and materials or other circumstances affecting the undertaking have substantially altered he may by order (subject to the provisions of subsection (3) hereof) vary either by way of increase or decrease such rates and charges or any of them. A.D. 1929.

(2) The making of any new valuation list under the said Act of 1925 shall be deemed to be a circumstance affecting the undertaking within the meaning and for the purpose of this section.

(3) The rates and charges prescribed by any order made under this section shall be of such respective amounts as to provide (after paying all proper expenses of and in connection with the working of the undertaking and providing for any contribution which the Company may carry to any contingency or reserve fund of the undertaking formed under the provisions of this or any other Act them so enabling and paying all other costs and expenses (if any) properly chargeable to the revenue of the undertaking) a reasonable return on the share capital of the undertaking due regard being had to any capital which may be reasonably expected to be expended by the Company on the undertaking during the five years immediately following the date of such order.

40. The Company may if they think fit enter into agreements for the supply of water by measure to any person and may charge a rent for each meter or other instrument for measuring water supplied by them such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Supply of water by measure.

41.—(1) Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding twelve shillings per annum for each motor Charges for hose-pipes and refrigerating apparatus.

A.D. 1929.

car beyond the first Any sums chargeable under this subsection shall be payable quarterly in advance and be in addition to the rates authorised by the section of this Act of which the marginal note is "Rates for supply of water for domestic purposes" and shall be recoverable in all respects and in the same manner as the said rates.

(2) Where water supplied by the Company to a person who takes a supply otherwise than by measure for domestic purposes and also by measure for purposes other than domestic purposes is used by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if they think fit require that all water so used shall be taken by measure and paid for at the rates for the time being charged by the Company for water supplied by measure.

(3) Where a person who takes a supply of water for domestic purposes from the Company desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Company shall be entitled to require that all water so used shall—

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

Supply to
houses
partly used
for trade.

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

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

A.D. 1929.

(2) The minimum quarterly charge (exclusive of meter rent) for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

(3) Section 39 (Charges for supply to workhouses to be agreed or settled by county court judge) of the Act of 1897 is hereby repealed.

43.—(1) Where water supplied by the Company to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by the section of this Act of which the marginal note is “Rates for supply of water for domestic purposes.”

Supply for
farming
purposes.

(2) If the owner or occupier of any farm premises within the limits of supply desires a supply of water for farming purposes and lays the necessary communication pipe from such premises to a main of the Company the Company shall if and so long as the arrangements for taking and using such supply are reasonably approved by the Company supply to such owner or occupier by meter such quantity of water as the owner or occupier may from time to time reasonably require for such farming purposes Provided that the Company shall not be required to supply water under this section at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply Any question as to whether such approval is unreasonably withheld shall be referred to and settled by an arbitrator to be agreed upon between the Company and the owner or occupier as the case may be or failing such agreement to be appointed on the application of either party 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 reference.

44. Subject to the provisions of subsection (3) of the section of this Act of which the marginal note is

Price of
supply by
measure.

A.D. 1929. — “Charges for hose-pipes and refrigerating apparatus”
the price to be charged for a supply of water by measure shall not exceed three shillings and fourpence per thousand gallons.

As to
register of
meters.

45.—(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 or rent is charged and sought to be recovered by the Company. Provided that if the Company and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

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

Price of
supply for
building
purposes.

46. The charge for water supplied for use in the erection of any building or part of a building shall not exceed ten shillings per one hundred pounds of the contract price for the building or if there is no such contract price of the estimated total cost of the building and reasonable allowance shall be made by the Company for any unusual amount of decorative work or for any form of construction adopted not requiring the use of water.

PART V.

ADMINISTRATIVE PROVISIONS.

Annual
meetings
and interim
dividends.

47.—(1) From and after the passing of this Act the ordinary meetings of the proprietors of the Company shall be held annually instead of half-yearly and shall in each

year be held so soon after the thirty-first day of December in the preceding year but not later than the month of March as the directors may from time to time determine.

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(2) The directors may if it appears to them that the profits of the Company are sufficient declare and pay in respect of any half-year ending on the thirtieth day of June dividends on the capital of the Company out of the profits of the Company without the sanction or direction of a general meeting but no such dividend on any ordinary stock shall exceed one-half of the maximum rate of dividend on such stock and no such dividend on any preference stock shall exceed one-half of the yearly rate of dividend on such preference stock.

(3) The directors may close the register of transfers for a period not exceeding fourteen days immediately preceding the day appointed for holding each annual ordinary meeting and also (in any year in which it is proposed to exercise the powers of subsection (2) of this section) for a consecutive period not exceeding fourteen days in the month of July or in the month of August or partly in one and partly in the other of those months and shall give seven days' notice of the day of closing such register by advertisement in some newspaper circulating within the limits of supply.

(4) Any transfer tendered to the Company during the time when the register is so closed shall as between the Company and the person claiming under the transfer but not otherwise be considered as made subsequently to the declaration of any such dividend.

(5) Notwithstanding anything contained in section 116 of the Companies Clauses Consolidation Act 1845 or in any other enactment the Company and the directors thereof shall not be required to make up a half-yearly balance sheet and accounts but they shall make up annually to the thirty-first day of December such a balance sheet and accounts as are referred to in that section relating to the transactions of the Company in the course of the preceding year.

48.—(1) The amount which may be carried by the Company in any year to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised other than loan capital.

Limit on
contingency
fund.

A.D. 1929.

(2) The amount standing to the credit of such contingency fund shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised other than loan capital.

Reserve
fund.

49.—(1) The directors may (if they think fit) in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of subsections (2) and (3) of this section) and any sums so set apart may from time to time be invested in government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest. The fund so formed shall form a reserve fund to answer any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Company and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by the said subsection (3) and so from time to time as often as such reduction shall happen. Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim or demand within the meaning of this section.

(2) The amount which may be carried by the Company in any year to the reserve fund shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised other than loan capital.

(3) The amount standing to the credit of the reserve fund shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised other than loan capital and whenever and so long as the reserve fund amounts to such sum the interest and dividends on the reserve fund shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

Limitation
on carry
forward.

50. It shall not be lawful for the Company to carry forward at the end of any year to the credit of the profit

and loss (net revenue) account any sum exceeding the total of the following amounts (that is to say):—

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

51.—(1) The prescribed number of auditors shall be two or the Company may at any time and from time to time appoint any firm to be the auditors of the Company. The auditors or in the case of a firm being so appointed as auditors the members of such firm shall be persons who are members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors and the auditors need not hold shares or stock of the Company but nothing in this section shall prevent any person who at the date of the passing of this Act is an auditor of the Company continuing to act as such auditor. If and so long as a firm appointed under the provisions of this section are the auditors of the Company the provisions of this Act and of any Act incorporated herewith relating to the prescribed number of auditors shall not apply to the Company.

Auditors.

(2) Section 23 (Auditors need not hold shares) of the Act of 1897 is hereby repealed.

52. In addition to the powers which the directors may exercise under the Companies Clauses Consolidation Act 1845 they may from time to time determine the remuneration of the secretary of the Company.

Directors may determine remuneration of secretary.

53.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they may think fit to any employee of the Company or where in any particular case no

Power to grant pensions &c.

A.D. 1929. — adequate provision is in their opinion otherwise made to the widow or family or any dependant of any such employee.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant such gratuities pensions allowances or payments as are by this section authorised to be granted or made.

(3) The directors may subscribe or make donations to any fund raised in case of national emergency and to infirmaries hospitals and convalescent homes and other institutions and objects and to the benevolent and sick funds of the employees of the Company.

(4) The directors may provide maintain and equip grounds for games sports or recreation for the use of employees of the Company and others and may acquire or take on lease for that purpose any lands in addition to any other lands which they are or may be authorised to acquire by agreement or otherwise. The directors may on such occasions as they may think fit admit or sanction the admission of any persons to any grounds so provided either with or without payment for such admission.

PART VI.

MISCELLANEOUS PROVISIONS.

Detection
of waste.

54. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Company and stop-cocks 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 break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric and other lines wires and apparatus. Provided that the Company shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

55. The Company may on the application of the owner or occupier of any premises within the limits of supply 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 Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Act. Provided that a local authority shall for the purposes of this section be deemed to be (in addition to any other person) persons having the control or management of any street or road to which this section applies and which is situate within the area of that authority.

A.D. 1929.

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Power to lay pipes in streets not dedicated to public use.

56. The powers conferred by the sections of this Act of which the marginal notes are respectively "Detection of waste" and "Power to lay pipes in streets not dedicated to public use" shall not be exercised by the Company with respect to any street road lane footway court passage pipe wire or apparatus belonging to or maintained by the Southern Railway Company without their consent in writing being first had and obtained.

As to exercise of certain powers in respect of streets &c. belonging to Southern Railway Company.

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

Application of section 35 of Waterworks Clauses Act 1847.

58. The Company may enter into and carry into effect agreements with any local authority company or person supplying water under parliamentary authority for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Company for the purposes of the undertaking.

Purchase of water in bulk.

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

Guarantees by district councils.

A.D. 1929.

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

(3) Nothing in this section shall be deemed to authorise any such urban or rural district council to use any water supplied by the Company under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of supply and within the limits for the supply of water of any other company or person supplying water under parliamentary authority without the consent of such other company or person.

Notice to
Company of
connecting
or discon-
necting
meters.

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

Injuring
meters &c.

61. 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 fittings belonging to the Company 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 Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

And in any cases 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 Company 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 Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company 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 Company 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.

A.D. 1929.

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62. In addition to any existing powers of entry upon and inspection of premises any officer of the Company may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Extension
of power
to inspect
premises.

63. Any fittings let for hire by the Company 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 Company as the actual owners thereof.

Fittings
not to be
subject to
distress &c.

A.D. 1929.
—
Penalty
for inter-
ference
with
sluices &c.

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

(2) Where the owner or occupier of any house or building or part of a house or building or premises is not for the time being entitled to a supply or the continuance of a supply of water by the Company to or in respect of such house or building or part of a house or building or premises any person who shall without the authority of the Company turn on or cause or permit to be turned on or permit to remain on any sluice cock valve or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Main-
tenance
of common
pipe.

65. Where several houses or parts of houses in the occupation of several persons are supplied 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 Company in the maintenance and repair of such pipe and their respective proportions of contribution shall be settled by the engineer or secretary of the Company.

As to com-
munication
pipes.

66.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus 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 and provisions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

A.D. 1929.

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

67. If it should appear to the Company that by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Company to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been ascertained the expense incurred by the Company for the purpose of ascertaining the injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company 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 :

Power to
Company
to repair
communica-
tion pipes.

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

68. Notwithstanding anything contained in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication pipe therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary

Company
to connect
communica-
tion pipes
with mains.

A.D. 1929. to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Quarterly returns of pumping.

69. The Company shall as soon as reasonably may be after each of the usual quarter days in every year forward to the clerk of the county council of East Sussex a statement of the total quantity of water pumped by the Company during each week of the preceding quarter at each pumping station of the Company.

Provision where local sources of supply affected.

70.—(1) If it shall be proved by the owner (which term shall include any lessee or occupier and the county council of East Sussex) that the pumping by the Company at the pumping station in the parish of Withyham by this Act authorised has caused any diminution of the supply of water from any well borehole pond pool spring stream or watering place or other source of supply which is used at the date of the passing of this Act as an effective source of supply (such source of supply being situate within a radius of one mile from such station in this section called “the protected area”) the Company shall upon the written request of the owner of any such source of supply afford to the owner a supply of water equal to the amount of such diminution at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall be the same (as nearly as may be) after as before the construction of such pumping station and upon such other terms as may be agreed or failing agreement as may be settled by arbitration as hereinafter provided. Provided that the Company shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any well borehole pond pool spring watering place or source of supply the water from which is in the opinion of the county medical officer of health so polluted as to be or to be likely to be injurious or dangerous to health.

(2) All mains pipes meters and fittings required for the purpose of supplying water to any owner in pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Company and the owner shall afford to the Company all reasonable

or necessary facilities for these purposes but all such fittings which shall be placed or fixed upon the land or premises of any owner shall be repaired maintained and (when necessary) renewed and made good by such owner to the satisfaction of the Company.

(3) The Company may if they think fit in lieu of making good the diminution of such supply deepen any affected well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution and the owner shall without making any charge therefor give the Company access and every facility for carrying out such deepenings borings or headings and in the event of any such deepenings borings or headings increasing the cost of obtaining or continuing to obtain such supply the Company shall pay to the owner the amount of such increase.

(4) If the Company do not afford such supply equal to the diminution as aforesaid they shall make compensation in money to any such owner for such diminution and they shall also make like compensation for any injury caused to such owner by the exercise by the Company of the powers conferred by the last preceding subsection the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided.

(5) The Company shall not be liable in respect of any claim made by the owner under this section if he shall after reasonable demand have refused to afford to the officers servants or other representatives of the Company at all reasonable times after the passing of this Act access to the source of supply in respect of which the claim is made for the purpose of ascertaining particulars thereof and the level of the water therein.

(6) The Company shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(7) Any expenses incurred by the county council of East Sussex under or for the purposes of this section shall be deemed to be expenses incurred for general county purposes.

(8) Any question or dispute arising under this section shall be referred to and determined by a single

A.D. 1929. arbitrator to be agreed upon between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Authenti-
cation and
service of
notices by
Company.

71. Any notice to be served by the Company on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of such other officer as aforesaid being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Recovery
of penalties
&c.

72. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order 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 demands.

73. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the undertaking 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.

74. Where the payment of more than one sum by any person is due under this Act or any other Act from time to time relating to the Company any summons or warrant issued for the purposes of any of those Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. A.D. 1929.
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Several sums in one summons.

75. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other Act from time to time relating to the Company by reason of his being liable to any rate. Judges not disqualified.

76. In addition to any other provisions of the Act of 1897 repealed by the foregoing provisions of this Act the following sections of the Act of 1897 are hereby repealed:— Repeal.

Section 42 (Register of meter to be *primâ facie* evidence);

Section 43 (Fraudulently injuring pipes meters or fittings);

Section 48 (Where several houses supplied by one pipe each to pay);

Section 51 (Representation of the Company in bankruptcy &c.);

Section 52 (Form of service of notices by Company);

Section 55 (Liability to water rent not to disqualify justices &c.);

Section 56 (Contents of summons &c.); and

Section 57 (Application of penalties).

77. All the costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue. Costs of Act.

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