



CHAPTER ccxviii.

An Act to incorporate and confer powers on the Newhaven and Seaford Water Company. [12th August 1898.] A.D. 1898.

WHEREAS under the Newhaven and Denton Water Order 1880 (confirmed by the Gas and Water Orders Confirmation Act 1880) certain persons therein mentioned were empowered to supply water and to make rates and charges therefor in the parishes of Newhaven and Denton in the county of Sussex And it was provided that the capital of the Undertakers for the purposes of the undertaking authorised by that Order should not exceed twenty thousand pounds unless thereafter authorised by special Act or Provisional Order :

And whereas under the East Blatchington and Seaford Water Order 1880 (confirmed by the Gas and Water Orders Confirmation Act 1880) the Undertakers therein mentioned were empowered to supply water and make rates and charges therefor in the parishes of East Blatchington and Bishopstone and the town and parish of Seaford in the county of Sussex And it was provided that the capital of the Undertakers for the purposes of the undertaking authorised by that Order should not exceed ten thousand pounds unless thereafter authorised by special Act or Provisional Order :

And whereas by the Newhaven and Seaford Water Order 1881 (confirmed by the Water Orders Confirmation Act 1881) the powers of the Undertakers in each of the two above-mentioned Orders were consolidated and the district supplied under the powers conferred by the said two Orders was formed into a district in which the Undertakers in the now reciting Order named were given powers of supplying water and making rates and charges therefor And it was provided that the capital of the Undertakers for the purposes of the amalgamated water undertaking authorised by that Order should not exceed thirty thousand pounds unless thereafter authorised by Act of Parliament or Provisional Order :

And whereas in the year 1881 the Undertakers in the said Newhaven and Seaford Water Order mentioned formed a company

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which company was duly registered under the Companies Act 1862 by the name of the Newhaven and Seaford Water Company Limited (herein-after referred to as "the Limited Company") and the purposes for which that Company was formed were to supply water within the parishes of Newhaven Denton East Blatchington Bishopstone and the town and parish of Seaford in the county of Sussex and to acquire property and rights and to construct waterworks and generally to carry on the business of a water company :

And whereas the present share capital of the Limited Company consists of thirty thousand pounds divided into three thousand shares of ten pounds each of which the whole have been subscribed for and of the shares so subscribed one thousand and seven hundred have been fully paid up and one thousand and three hundred have had four pounds per share called up and the Limited Company owe a sum of three thousand pounds in debenture bonds :

And whereas the Limited Company have acquired certain lands and have constructed waterworks thereon and have from time to time renewed and improved the same and by means thereof are now supplying water in the parishes and places of Newhaven Denton East Blatchington Bishopstone and the town and parish of Seaford all in the county of Sussex :

And whereas the population in the said district has largely increased and is likely to continue to increase and the population of neighbouring parishes and places has also increased and in order the better to meet the demand arising from such increase in the district of the Limited Company and to supply such neighbouring places with water it is expedient that the Limited Company should be dissolved and re-incorporated into a Company with the powers and subject to the provisions herein-after contained :

And whereas it is expedient that the Company should be empowered to construct additional works as herein-after described :

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

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with

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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):—

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1. This Act may be cited as the Newhaven and Seaford Water Act 1898.

Short title.

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

Incorporation of general Acts.

The Companies Clauses Consolidation Act 1845 :

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 :

The Lands Clauses Acts :

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the former of those Acts " with the consent in " writing of the owner or reputed owner of any such house or " of the agent of such owner."

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

Interpretation.

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings :

Provided that in the said Acts as incorporated in and for the purposes of this Act—

" The Company " means the Company incorporated by this Act ;

" The works " " the waterworks " and " the undertaking " respectively mean and include the waterworks and the works connected therewith by this Act vested in or authorised to be made or maintained by the Company and any improvements thereof respectively which they may construct under the powers of this Act and the lands buildings estate right title property powers privileges and effects of the Company and every part thereof respectively and the undertaking of the Company :

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

4. From and after the passing of this Act the Limited Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that Company and all

Incorporation of Company.

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other persons who have subscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purposes herein-after mentioned and shall be incorporated by the name of "the Newhaven and Seaford Water Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Limits of Act.

5. The limits of supply of the Company as defined by the recited Provisional Orders and the powers of the Company shall extend to and include the parish of Piddinghoe in the county of Sussex and the said limits of supply as extended by this Act are in this Act referred to as "the limits of this Act."

Power to local authority &c. to supply water in case Company fails to supply.

6. If at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared to furnish on demand a sufficient supply of water in accordance with the provisions of this Act in the whole or any part of the district of any local authority within the limits of this Act (such part not having a sufficient supply of water from some other source) the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of such district not sufficiently supplied by the Company or from some other source as if in either case there were no company authorised by this Act to supply water therein.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

General purposes of Company.

7. The Company shall be established for the purpose of supplying water to and within the limits of this Act and for other the purposes of this Act.

Present property of Limited Company vested in Company incorporated by this Act.

8. Subject to the provisions of this Act all the powers conferred by the recited Orders on the Undertakers therein respectively mentioned shall be and are hereby vested in and may be exercised by the Company subject to all the duties and liabilities thereby imposed upon the Undertakers and all the undertaking works lands buildings property stock plant interest rights powers privileges easements and agreements which immediately before the passing of

this Act were vested in the Limited Company or any person or persons in trust for them or to which the Limited Company were in anywise entitled and all moneys securities for money credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf and may subject to and in accordance with the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

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9. Subject to the provisions of this Act the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Memorandum and articles of association of Limited Company to be void without prejudice to remedies for antecedent breaches thereof.

10. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Limited Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities

Nothing to affect previous rights and liabilities.

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A.D. 1898. claims and demands the Company and its shareholders and property shall to all intents and purposes as from the passing of this Act represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other provisions of this Act.

Contracts
prior to Act
to be
binding.

11. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or persons acting on behalf of that Company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company the Company had been a party thereto.

Actions &c.
not to abate.

12. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding which was pending by or against the Limited Company or any member thereof in relation to the affairs of that Company or to which that Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and the members thereof respectively.

Trustees of
Limited
Company to
be indemnified.

13. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond covenant contract or engagement.

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14. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Company to satisfy liabilities of Limited Company.

15. All water rates and rents and sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

Recovery of water rates &c.

16. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

As to payment of debts owing before passing of Act.

17. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Certificates &c. to remain in force.

18. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution and avoidance.

Books &c. continued as evidence.

19. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments annexed thereto until they shall resign the same or be removed therefrom by the Company or their period of service shall in accordance with notice duly and lawfully given in that behalf by the Limited Company before the passing of this Act or otherwise be determined and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations

Officers to continue until removed.

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Present
register of
members to
be continued.

20. The books kept by the Limited Company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of each share shall until some other register of shareholders shall be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital.

21. The capital of the Company shall be fifty thousand pounds whereof thirty thousand pounds is in this Act called "the original capital" and twenty thousand pounds is in this Act called "the additional capital" and shall be raised in manner herein-after mentioned and the original capital shall be divided into three thousand shares of ten pounds each which shares are in this Act called "the old shares" and the Company may convert into stock the whole or any part of their original capital when fully paid up and the old shares shall be vested in the several persons who immediately before the passing of this Act were the registered members of the Limited Company at the rate of one of such old shares for every share in the capital of the Limited Company existing at the passing of this Act and shall be in substitution for the existing shares of the Limited Company and every old share so vested shall be subject to the same liability for calls (if any) and subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the share for which the same is substituted and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting the same.

Company to
call in and
cancel
existing
share certi-
ficates and
issue new
certificates in
lieu thereof.

22. The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

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23. The Company may from time to time raise the additional capital not exceeding in the whole twenty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that the Company shall not create and issue under the powers of this Act any greater nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of twenty thousand pounds.

Power to
Company to
raise
additional
capital.

24. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in
cases of
persons not
sui juris.

25. Except as by this Act provided the Company shall not in respect of any one year make out of their profits dividend on the original capital at any higher rate than ten pounds per centum per annum and on the additional capital at any higher rate than seven pounds per centum per annum in respect of the amount actually paid up of such capital as shall be issued as ordinary capital or six pounds per centum per annum in respect of the amount actually paid up of such capital as shall be issued as preference capital.

Profits of
Company
limited.

26. In case in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend by this Act prescribed on each class of ordinary shares or stock in the capital of the Company a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each class.

Dividends on
different
classes of
shares or
stock to be
paid pro-
portionately.

27. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the

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

A.D. 1898. — reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase money of capital sold to be paid within three months.

28. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale of shares or stock.

29. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to every district council within any part of whose area the Company has power to supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the district of such council.

Shares or stock not sold by auction or by tender to be offered to shareholders.

30. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under this Act but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares or stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold shall be again offered to the holders of

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ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold. A.D. 1898.

31. Any sums of money which shall arise by way of premium from the issue of any such shares or stock 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. Application of premium arising on issue of shares or stock.

32. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking in respect of the original capital of thirty thousand pounds any sum not exceeding in the whole including the amount already borrowed seven thousand five hundred pounds. Power to borrow in respect of original capital.

33. The Company may from time to time in respect of the additional capital of twenty thousand pounds borrow on mortgage of the undertaking any sum or sums not exceeding in the whole five thousand pounds. Provided that in respect of each ten thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum not exceeding in the whole two thousand five hundred pounds but no part of any such sums of two thousand five hundred pounds shall be borrowed until shares for so much of the said portion of capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for such portion of capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons

A.D. 1898. — their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

34. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the creation and issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock so created are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

35. The mortgagees of the Company 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 thousand pounds.

Debenture stock.

36. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the undertaking Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

37. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on debenture stock created and issued under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against the Company in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person in pursuance of any Act relating to the Company which is

entitled to rank in priority to or *pari passu* with the interest or dividends on the mortgages or debenture stock nor shall it affect any mortgage or debenture of the Limited Company existing at the passing of this Act. A.D. 1898.
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38. All moneys raised under this Act whether by stock shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable. Application of moneys.

39. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

40. The number of directors shall until the first general meeting of the Company be seven but the Company may at that or any subsequent meeting reduce and again increase the number provided that the number be not less than three or more than seven. Number of directors.

41. The qualification of a director shall be the possession in his own right of not less than twenty-five shares or not less than two hundred and fifty pounds of share capital or of stock not being debenture stock. Qualification of directors.

42. The quorum of a meeting of directors shall be three. Quorum of directors.

43. Robert Lambe Henry Card Henry Curtis Card Richard Underwood William Medhurst Henry Kaye and William Lambe shall be the first directors of the Company and shall continue in office until the first ordinary meeting held in the year next after the passing of this Act At that meeting the shareholders present in person or by proxy may (subject to the power herein-before contained for varying the number of directors) either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.

Election of directors.

44. Any contract to be made under this Act with any public body shall not disqualify any of the members of such public body for the office of director of the Company but no director of the Contracts not to disqualify for office of director.

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A.D. 1898. Company being a member of any such public body shall vote upon any question with reference to any contract with such public body.

Power to
make water-
works.

45. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works shown on the deposited plans which consist of the following (that is to say):—

A conduit or line of pipes (No. 1) commencing in the parish of Denton or Denton Urban by a junction with the existing main of the Limited Company in the main road from Denton to Newhaven near the crossing of the said road on the level over the London Brighton and South Coast Railway and terminating in the parish of Newhaven near the junction of the Lewes Road with Elphick Road;

A service reservoir or tank in the parish of Piddinghoe to be situate on a piece of land on the northern side of the road from Newhaven to Brighton near the parish boundary between Piddinghoe and Newhaven;

A new road in the said parish of Piddinghoe commencing on the north side of the said road from Newhaven to Brighton at a point two hundred yards or thereabouts westward from the said parish boundary and terminating on the piece of land herein-before described as the site of the last-mentioned reservoir or tank;

A conduit or line of pipes (No. 2) commencing at the said service reservoir or tank and terminating in the said road in the parish of Newhaven:

And the Company may also on any lands now belonging to them or acquired under the powers of this Act make and maintain all such wells adits culverts drains tanks water-towers filters walls approaches engines machinery and appliances as may be necessary or expedient in connexion with the foregoing works or any of them or for obtaining and distributing water for the purposes of their undertaking.

Power to
take lands
and waters.

46. Subject to the provisions of this Act the Company may enter upon take and use such of the lands described in the deposited plans and book of reference as they require for the purposes of this Act and may divert collect impound take appropriate and use for the purposes of the Company all waters which may be found in on or under any such lands as for the time being belong to the Company.

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

Period for compulsory purchase of lands.

48. 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 water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

49. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole twenty acres in extent or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or under any such lands Provided that the Company shall not deal with such lands so as to create or permit a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company.

Purchase of lands by agreement.

50. In laying any pipes or conduits or executing any works in under or through the banks or bed of the River Ouse by this Act authorised the following provisions shall have effect for the protection of the trustees of Newhaven Harbour and Ouse Lower Navigation (in this section referred to as "the trustees") :—

For protection of trustees of Newhaven Harbour and Ouse Lower Navigation.

(1) All pipes conduits and works laid or executed in under or through the banks or bed of the River Ouse shall be so laid or executed to the reasonable satisfaction of the trustees and no such pipes or conduits shall be laid across or under the River Ouse at a less depth than ten feet below low-water mark of ordinary spring tides and no such pipes or conduits shall be laid or works executed until notice in writing shall be given to the trustees and the mode of laying the pipes or conduits and executing the works shall have been submitted to and approved by the trustees and such approval shall not be unreasonably withheld :

(2) All pipes and conduits laid and works executed under sub-section 1 of this section shall be maintained by the Company in good repair and condition and so as in no way to cause any

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injury to the banks or bed of the said River Ouse and the Company shall immediately on receiving notice of any defect in such pipes conduits or works make good every such defect and in default it shall be lawful for the trustees to carry out the necessary works to make good every such defect and to recover the expenses thereof from the Company as a debt due by them to the trustees.

For pro-
tection of
London
Brighton and
South Coast
Railway
Company.

51. For the protection of the London Brighton and South Coast Railway Company (herein-after referred to as "the Brighton Company") the following provisions shall have effect:—

(a) All works of the Company under the powers of this Act upon across over or under the railway or roads of the Brighton Company in the parishes of Denton Piddinghoe and Newhaven shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Brighton Company and according to such plans as shall be previously submitted to and approved by him in writing or in the event of disapproval then in such manner as shall be determined by arbitration in manner herein-after provided:

(b) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the said engineer any portion of the said railways and roads of the Brighton Company which may be interfered with and all such works shall be carried out so as to cause as little injury as may be to such railways and roads and so as not to cause any interference with the passage or conduct of traffic thereover:

Provided nevertheless that if the engineer of the Brighton Company shall think it necessary that any works of the Company over or under the railway and works of the Brighton Company should be done or carried out by the Brighton Company and shall notify such desire to the Company any such works shall be done or carried out by the Brighton Company at the cost of the Company:

(c) The Company shall bear and on demand pay to the Brighton Company all costs of the superintendence by their engineer of the construction maintenance and renewal of the mains pipes conduits and other works of the Company over or under the railway and works of the Brighton Company and shall also bear and pay to the Brighton Company all proper costs of watching lighting and protection of the said railway during such construction maintenance and renewal but such superintendence by the Brighton Company shall not relieve the Company from

liability from any accident which may be occasioned by or through the operations of the Company or by their contractors agents and workmen : A.D. 1898.

- (d) If any injury or interruption of traffic shall arise from or be in any way owing to any of the works of the Company or to the bursting leakage or failure of any mains pipes conduits or works in under or affecting the railway of the Brighton Company the Company shall make full compensation to the Brighton Company in respect thereof :
- (e) The Company shall be entitled to acquire such an easement across over or under any of the railways roads and property of the Brighton Company as may be necessary for the construction and maintenance of their works but the Company shall have no power to purchase or acquire any land or property of the Brighton Company without the consent of that company :
- (f) The Company shall unless otherwise agreed with the Brighton Company lay the conduit or line of pipes by this Act authorised so far as it extends from the western side of the Lewes and Seaford Branch Railway of the Brighton Company to the eastern side of the River Ouse at a not less depth measured to the upper surface of the said conduit or line of pipes than four feet below the present surface of the ground :
- (g) The Brighton Company may at any time upon giving to the Company seven days' notice thereof in writing signed by their said engineer and delivered at the principal office of the Company divert or alter the level of any main pipe or conduit of the Company passing over or under the railway and works of the Brighton Company so as to admit of any repairs alterations or extensions of their railway and works which they may think necessary Provided that any such diversion or alteration shall be so effected as to cause the least possible interference with the works of the Company or inconvenience to the Company and under the supervision and to the reasonable satisfaction of the engineer for the time being of the Company and at the costs charges and expenses in all respects of the Brighton Company and any such diversion or alteration shall be effected in such manner as not to interrupt the supply of water by the Company :
- (h) Any dispute or difference which may arise between the Company and the Brighton Company with reference to the provisions of this section or in any way arising thereout or to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between

A.D. 1898.

the Company and the Brighton Company or failing agreement by an engineer to be appointed by the President of the Institution of Civil Engineers and any such arbitration shall be subject to the provisions of the Arbitration Act 1889.

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

52. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Saving rights of Crown in foreshore.

53. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights of Crown under Crown Lands Act.

54. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Restriction on taking houses of labouring class.

55. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the

consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. A.D. 1898.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

56. The Company may demise and lease for any terms not exceeding seven years in possession and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable) and on the lease or sale by the Company of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit. Company may dispose of lands not required. Reservation of water rights &c. on sale.

57. The Company shall provide a constant supply in accordance with the provisions of the Waterworks Clauses Act 1847 but they shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied. As to pressure.

58. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done Repair of meters.

A.D. 1898. at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Power to
remove
meters and
fittings.

59. The Company after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal.

Power for
Company to
supply
materials &c.

60. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances as are required or permitted by their byelaws in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Byelaws for
preventing
waste &c. of
water.

61. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say) :—

(1) The Company may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination :

(2) No such byelaws shall be of any force or effect except within such part or parts of the district which the Company for the

time being are bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure : A.D. 1898.

- (3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority :
- (4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy :
- (5) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable :
- (6) Any person who shall offend against any such byelaws shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day on which such offence shall occur after conviction therefor and the Company may in addition thereto recover the amount of any damages sustained by them.

62. Any byelaws which the Company submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the district to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the Company shall thenceforth be bound to supply with water under constant

Where bye-laws confirmed Company bound to supply water under constant pressure in parts of district specified in byelaws.

A.D. 1898. pressure the part or parts of the district specified in the byelaws so confirmed.

Contracts for supplying water for public purposes.

63. The Company may enter into and carry into effect agreements with the council of the administrative county of East Sussex and with any local authority or person for the supply by the Company to the said council local authority or person respectively of water in bulk whether within or without the limits of this Act Provided that such supply of water do not at any time interfere with the supply of water for domestic purposes within the limits of this Act And provided further that the Company shall not under the powers of this Act supply water in bulk either within or for use or distribution within the limits of supply of any company corporation or other authority authorised by Act of Parliament or Provisional Order confirmed by Act of Parliament to supply water without the consent in writing of such company corporation or authority.

Liability to water rent not to disqualify justices &c.

64. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate meter rent or charge under this Act.

Act to be registered by Registrar of Joint Stock Companies.

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

Provision in case of purchase by district councils of Newhaven and Seaford.

66. In the event of the undertaking of the Company being purchased by the urban district councils of Newhaven and Seaford on terms settled by arbitration under the Lands Clauses Acts pursuant to any Act of Parliament passed in the next available session then the powers conferred on the Company by this Act shall not be deemed by the arbitrator to enhance the value of the undertaking or to be the subject of compensation or purchase except so far as capital shall have been expended in executing the works authorised by this Act and in providing for the costs charges and expenses of and incident to this Act.

The expression in this section "powers conferred on the Company by this Act" shall not be deemed to apply to or affect the powers of the Limited Company under the recited Provisional Orders and

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the Acts confirming the same which are transferred to the Company A.D. 1898.
by this Act.

67. All costs charges and expenses of and incident to the Costs of Act.
preparing for and obtaining and passing of this Act or otherwise in
relation thereto shall be paid by the Company.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PICOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
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