CHAPTER clxxxviii.

An Act for incorporating the Bognor Water Company and for enabling them to construct and maintain Waterworks and supply Water and for other purposes. A.D. 1891.

[5th August 1891.]

WHEREAS by the Bognor Water Order 1875 (being a provisional order made by the Board of Trade and confirmed by the Gas and Water Orders Confirmation Act 1875 and herein-after referred to as "the Order of 1875") the Bognor Water Company Limited (in this Act referred to as "the Limited Company") were authorised to construct a well or shaft water tower service tank pumping station and other waterworks therein described and to supply and sell water within the limits of supply therein defined being the town of Bognor and the parishes of South Bersted and Felpham in the county of Sussex and the capital of the Limited Company was not to exceed ten thousand pounds subject to increase as therein mentioned:

And whereas the capital of the Limited Company consists of ten thousand pounds divisible into two thousand shares of five pounds each of which one thousand seven hundred and ninety amounting to eight thousand nine hundred and fifty pounds (in this Act called "old shares") have been issued and are fully paid up and two hundred and ten have not been issued and the Limited Company have borrowed on mortgage and now owe the sum of six thousand pounds:

And whereas waterworks were constructed by the Limited Company but an improved supply of water is desirable for the increasing requirements of the inhabitants of the district:

And whereas it is expedient that the Limited Company should be dissolved and the members thereof formed into a new Company (in this Act called "the Company") and authorised to construct additional waterworks as by this Act provided and to supply water within the limits defined in this Act:

And whereas it is expedient that the Company be authorised to raise capital for the purposes of this Act and for the general

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purposes of their undertaking and that such other powers should be conferred upon the Company and such other provisions made with respect to their undertaking as are herein-after contained or expressed:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Act were duly 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 books 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 Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Bognor Water Act 1891.

Incorporation of general Acts.

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

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 the Companies Clauses Act 1869;

The Lands Clauses Acts; and

The Waterworks Clauses Acts 1847 and 1863 except the words in section forty-four 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."

Interpretation.

3. In this Act unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings:

"The provisional order" means the Order of 1875;

"The Confirmation Act" means the Act confirming the provisional order;

"The undertaking" "the works" and "the waterworks" respectively mean and include the undertaking under the provisional order and the undertaking under this Act and the waterworks

and the works connected therewith by this Act vested in and those 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 Duke of Richmond" means and includes the Duke of Richmond Lennox and Gordon and his trustees or other the owners for the time being of the Goodwood estates;

"Superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute;

"Meter" shall include any instrument for measuring water supply.

Incorporation of Company.

4. From and after the passing of this Act the Limited Company shall be dissolved and the several persons and corporations who immediately before the passing of this Act were members of that Company and all other persons and corporations 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 Bognor 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 this Act for the supply of water (herein-after referred to as "the limits of this Act") shall be the town of Bognor and the parishes of South Bersted Felpham Boxgrove Eartham Aldingbourne Slindon Oving Tangmere Eastergate Walberton North Mundham Merston Pagham Barnham Yapton Middleton and Tortington all in the county of Sussex:

Provided that the Company shall not supply water within the said parish of Oving or any part or parts thereof unless with the previous consent in writing of the Chichester Waterworks Company and then only within such part or parts of the said parish as shall be defined in any such consent:

Provided also that if in any parish or part of a parish within the limits of this Act the Company shall not have made adequate provision for the supply of water for domestic purposes within four

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years from the date of the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section fifty-two of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority as defined by that Act of any such parish so far as regards the whole or part of such parish as the case may be.

General purposes of the Company.

6. The Company shall be established for the purpose of supplying water to and within the limits of this Act subject as regards the parish of Oving to the consent herein-before provided for and for other the purposes of this Act.

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

7. Subject to the provisions of this Act 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 time of 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.

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

8. As from the time of vesting and subject to the provisions of this Act so much of the Confirmation Act as confirms the provisional order is hereby repealed and the provisional order is hereby annulled and 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 or provisional order 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 provisional order or of the said memorandum and articles of association incurred before the time of vesting but such liability or obligation in respect of any such breach shall thenceforth 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. A.D. 1891.

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided everything before the time of vesting 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 provisional order had not been annulled and the Confirmation Act had not been so in part repealed and the memorandum and articles of association had not been avoided by this Act and such incorporation annulling repeal 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 provisional order was not annulled and the Confirmation Act was not so in part repealed 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 everything so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes as from the time of vesting 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 clauses and provisions of this Act.

Contracts prior to vesting to be binding.

10. 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 as from the time of vesting and subject to and in accordance with the provisions of this Act be as binding and of as full force and effect in every respect against or in favour of the Company and may as from the time of vesting and subject as aforesaid 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.

11. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity 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

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parties immediately before the time of vesting but such action suit or other proceeding may thereafter 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 the vesting had not happened the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted as from the time of vesting for the Limited Company and the members thereof respectively.

Trustees of Limited Company to be indemnified.

12. 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 time of vesting and who (being authorised so to do) before the time of vesting entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company and for or in respect of which the Company are by this Act as from the time of vesting substituted for 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 unto by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of Limited Company.

13. From and after the time of vesting but subject to and in accordance with the provisions 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 time of vesting 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.

Recovery of water rates &c.

14. All water rates and rents and sums of money which immediately before the time of vesting were due or accruing to the Limited Company shall subject to and in accordance with the provisions of this Act 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.

As to payment of debts owing before the time of vesting.

15. All persons who immediately before the time of vesting 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 time of vesting were due or recoverable from the Limited Company or for the payment of which the Limited

Company were or but for this Act would at the time of vesting be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates &c. to remain in force.

16. 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 before the time of vesting 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.

Books &c. continued evidence.

17. 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 of law and equity and elsewhere notwithstanding such dissolution and avoidance.

Officers to continue until removed.

18. All officers and servants of the Limited Company who were in office immediately before the time of vesting shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed 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 time of vesting 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 in all respects whatsoever as if they had been appointed under this Act.

Present register of members to be continued.

19. The books kept by the Limited Company for entering the names and designations of the members thereof shall and may continue to be kept by the Company for the same purpose in relation to the shares by this Act vested in the shareholders in the Limited Company and shall until some other register of holders of those shares shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital.

20. The capital of the Company shall be fifty thousand pounds (including eight thousand nine hundred and fifty pounds being the nominal amount of capital represented by old shares issued and fully paid up) which shall be divided into ordinary shares of ten pounds each except as herein-after provided with respect to half-shares.

Conversion into stock.

21. The Company may from time to time convert into stock the whole or any part of their fully paid up capital.

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Creation of half-shares for certain purposes.

22.—(1) If at the time of the passing of this Act a single old share is held separately or an odd old share would remain after appropriating to any member of the Limited Company a ten pounds share for every two old shares held by such member there shall be created such a number of ordinary shares to be called "half-shares" of five pounds each in the said sum of eight thousand nine hundred and fifty pounds as shall be necessary in order to appropriate in respect of every such single or odd old share one such half-share as aforesaid.

(2) Every two such half-shares shall be deemed to represent and be in lieu of one ordinary share of ten pounds.

Half-shares to be numbered.

23. Such half-shares shall be numbered in arithmetical progression beginning with number one and every such half-share shall be distinguished by its appropriate number and after the consolidation as herein-after mentioned of any half-shares into shares of ten pounds each the last-mentioned shares shall be numbered in arithmetical progression next after the then existing shares of ten pounds each and shall thenceforth be distinguished by their appropriate numbers.

As to the word "share" in incorporated Acts and this Act.

24. In construing in connexion with this Act the clauses of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with this Act and in construing this Act unless there be something in the subject or context repugnant to such construction the word "share" shall include "half-share."

Vesting of old shares in present shareholders.

25.—(1) The old shares representing the paid up capital of eight thousand nine hundred and fifty pounds shall be vested in the several persons and corporations who immediately before the passing of this Act were the registered members of the Limited Company one share of ten pounds being substituted for two shares of five pounds and one half-share being substituted for a single or odd old share.

(2) If at any time two of such half-shares shall become vested in the same person or corporation such two half-shares shall immediately thereupon become ipso facto consolidated into one share of ten pounds and shall thereafter be dealt with accordingly.

(3) Every share or half-share so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as at the time of vesting affected the share or half-share for which the same is substituted and every deed agreement or other instrument or any testamentary disposition shall take effect with reference to the whole or a proportionate number of the substituted shares or half-shares as the case may be.

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Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

26. 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.

Power to Company to raise further capital.

27. The Company may from time to time raise all or any part of the further capital of forty-one thousand and fifty pounds (being such part of the capital by this Act authorised as is not under this Act appropriated in respect of old shares) by the creation and issue of new ordinary shares or new preference shares or partly by one mode and partly by the other but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share comprised in the sum of forty-one thousand and fifty pounds further capital vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof Provided that not more than one half of such further capital shall be raised by the issue of preference shares.

Except as otherwise provided new shares to be subject to the same incidents as other shares.

28. Except as by this Act otherwise provided the capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall 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 now existing capital of the Company of the same class or description and the new shares were shares in that capital The capital in new shares created under the powers of this Act shall form part of the capital of the Company.

Profits of the Company limited.

29. Except as by this Act provided the Company shall not in any one year make out of their profits any larger dividend on the further share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital which shall be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital which shall be issued as preference capital.

Dividends on different classes of shares to be paid proportionately.

30. In case in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate of dividend on each class of

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ordinary shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Receipt in case of persons not sui juris.

31. If any money is payable to a shareholder mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian trustee or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

32. The Company may at any time and from time to time borrow on mortgage of the undertaking in respect of their capital of fifty thousand pounds any sums not exceeding in the whole one fourth of the amount for the time being fully paid up of such capital and no higher rate of interest than five pounds per centum per annum shall be paid by the Company in respect of any moneys so borrowed Provided that the sum of six thousand pounds borrowed and now owing by the Limited Company as aforesaid shall be reckoned as part of the sum which the Company are by this Act authorised to borrow and unless that sum is previously paid off the Company shall not borrow any further sum until capital (including the eight thousand nine hundred and fifty pounds represented by the old shares) exceeding twenty-four thousand pounds has been paid up and then only to the extent of one fourth of the further amount from time to time paid up.

As to conversion of borrowed money into capital.

33. The Company shall not have power to raise the money already borrowed or 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 or to convert into capital any money borrowed or to be borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

34. 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.

35. 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.

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 &c.

36. All moneys raised or to be 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 any 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 or their property 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 on their mortgages or debenture stock nor shall anything herein-before contained affect any claim for land taken used or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

Application of moneys.

37. All moneys raised under this Act whether by stock shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable including the costs of obtaining this Act.

Ordinary meetings.

38. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings shall be held annually in the month of February or March.

Votes at meetings.

39. At all general meetings of the Company every shareholder shall have one vote for every share of ten pounds held by him and for this purpose every two half-shares shall be reckoned as one share and every holder of stock (not being debenture stock) shall have one vote for every ten pounds of such stock held by him.

Number of directors.

40. Subject to the provisions of the section of this Act the marginal note whereof is "first directors" the number of directors shall be six but the Company may from time to time reduce or again increase the number provided that the number be not less than four or more than six.

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Qualification of directors.

41. The qualification of a director shall be the possession in his own right of not less than ten shares or not less than one hundred pounds of stock (not being debenture stock).

Quorum of directors.

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

First directors.

43. Edward Holland Hills Captain R.N. Alfred Thorby Long Alfred Conder LL.D. Alfred Hays Alfred Lloyd and Thomas James Steel shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy shall subject to the provisions of the section of this Act the marginal note whereof is "number of directors" elect a new body of directors to supply the place of the directors appointed by this Act those directors being (if they continue qualified) eligible for re-election and at the ordinary meeting to be held in every year thereafter the shareholders present in person or by proxy shall 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.

Election of directors.

Auditors need not hold shares in Company.

44. The auditors appointed by the Company need not be shareholders of the Company.

Power to make waterworks.

45. Subject to the provisions of this Act the Company may in the county of Sussex make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the well and pumping station lines of pipes and other works shown on the deposited plans among which are the following (that is to say):—

(1) A well and pumping station to be situated in a field partly in the parish of Merston on which it is numbered 3 on the twenty-five inch Ordnance map and partly in the parish of Oving on which it is numbered 174 on the said map which field belongs or is reputed to belong to the Duke of Richmond and is occupied by Charles John Drewitt;

(2) A line of pipes commencing at or in the pumping station before described and terminating in the township and parish of South Bersted by a junction with the existing pipes of the Limited Company at a point in the public road leading from Chichester to Bognor nearly opposite the "White Horse Inn."

Company may collect and distribute water &c.

46. The Company may collect impound take use divert and appropriate by and in the existing works of the Limited Company and by and in the works authorised by this Act and in any works

for the time being of the Company and thence distribute the water of all or any springs brooks and streams on or near the site of or that may be intercepted by any such works or that may be found in upon or under any lands for the time being belonging to the Company or which they may acquire under the powers of this Act or over or in respect of which they have or may acquire easements or other rights.

Limits of deviation.

47. In the construction of the works authorised by this Act and subject to the provisions thereof the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that the Company may erect any water tower stand-pipe or other like work of any height which for the time being may be necessary or proper for the purposes of their undertaking.

Power to take lands &c.

48. 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 books of reference as they require for the purposes of this Act Provided always that the Company shall not enter upon take or use any lands belonging to the Duke of Richmond or the Ecclesiastical Commissioners unless with the consent in writing of the Duke or Commissioners as the case may be.

Period for compulsory purchase of lands.

49. 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 completion of works.

50. If the works authorised by this Act and shown on the deposited plans are not completed within four years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from altering enlarging and extending their engines machinery tanks wells tunnels adits culverts drains works mains and pipes from time to time in such way or manner as shall be necessary or advisable for the supply of water subject to the provisions of this Act.

Power as to maintenance and renewal of water-works.

51. Subject to the provisions of this Act the Company may from time to time maintain improve and renew or discontinue their existing waterworks upon the lands on which the same are erected or any part thereof and they may also upon the same lands or upon any lands acquired or to be acquired by them make and maintain extend

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improve and renew or discontinue all such necessary and convenient approaches embankments roads ways tunnels adits tanks filtering beds sluices filters gauges culverts wells outfalls cuts shafts mains pipes conduits channels drains engines pumps meters machinery and other works and conveniences as the Company may from time to time find necessary or convenient for obtaining storing and distributing water within the limits of this Act or for any purposes of their undertaking.

For the protection of the London Brighton and South Coast Railway Company.

52. The Company may under the superintendence and to the reasonable satisfaction of the engineer of the London Brighton and South Coast Railway Company or of some person to be from time to time appointed by him lay down maintain repair and renew any mains or pipes in under and along any public roads and bridges crossing over or under or on the level of the railway of the said railway company within the limits of this Act Provided that except as aforesaid the Company shall not without the previous consent in writing of the said railway company under the hand of their secretary enter upon take or use under the powers of this Act any lands or property belonging to that company.

As to pipes crossing the works of a railway or other company.

53. If any difference arise between the Company and any railway canal or other company whose lands or works the Company have power to cross under the authority of this Act for the purpose of meeting the demands for water within the limits of this Act as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Power to take easements &c. by agreement.

54. 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 of water) in over or affecting any such lands required for the purposes of this Act 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 or to such easements rights or privileges as aforesaid.

Purchase of land by agreement.

55. 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 the limits of this Act not exceeding in the whole ten acres in extent or any easement (not being an easement of water) in over or under any such lands Provided that the Company shall not create or permit a nuisance on any such lands or use any such lands for

any building except buildings required for the undertaking of the Company.

For the protection of the Duke of Richmond and the Ecclesiastical Commissioners.

56. For the protection of the Duke of Richmond and of the Ecclesiastical Commissioners the following provisions shall have effect unless otherwise agreed on in writing by the Duke and the Commissioners respectively (that is to say) :—

The Company shall not collect or take any water contained in any bed of gravel overlying the clay above the chalk formation and every work (including in the word work every well shaft boring tunnel cut culvert drain or other like work) which shall be made by the Company through or into any such bed of gravel shall be so constructed and maintained as effectually to exclude from such work any water contained or found in such bed of gravel and the Company shall afford to the Duke of Richmond and the Ecclesiastical Commissioners respectively and to their respective agents and persons duly authorised by them in that behalf all requisite facilities for inspecting every such work during the construction thereof and at all reasonable times thereafter and for ascertaining whether or not the said water is properly excluded.

Restriction on taking houses of labouring class.

57. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" 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.

Company may lease &c. spare lands of undertaking.

58. The Company may from time to time 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

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Reservation of water rights &c. on sale.

sale of superfluous lands) 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 sewage manure or other impure matter as they think fit.

Constant supply and pressure.

59. The water to be supplied by the Company shall be constantly laid on under pressure but the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service tank from which the supply is taken.

Rate at which water is to be supplied for domestic purposes.

60. The Company shall on the application of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act 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 rates not exceeding the following (that is to say):—

Where the annual rack rent or value of the premises so supplied with water does not exceed five pounds per annum at a rate not exceeding twopence per week;

Where such rent or value is above five pounds and does not exceed twenty pounds per annum at a rate per centum per annum not exceeding seven pounds;

Where such rent or value is above twenty pounds and does not exceed one hundred pounds per annum at a rate per centum per annum not exceeding six pounds;

Where such rent or value is above one hundred pounds at a rate per centum per annum not exceeding five pounds:

Provided that the Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum per annum is chargeable.

In addition to the rates computed as above specified—

Rates for waterclosets and private baths.

The Company may charge for a supply of water to every water-closet beyond the first in any dwelling-house an additional sum not exceeding five shillings per annum and to every bath an additional sum not exceeding ten shillings per annum

Provided that for every bath containing as usually filled for use more than fifty gallons the Company may charge an additional sum in excess of the said sum of ten shillings increased in proportion to the size of the bath All such additional sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

Certain provisions as to supply.

61. The Company shall not be compelled to supply water in the following cases:—

To any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company;

To any bath which shall be capable of containing when filled for use more than fifty gallons of water;

To any dwelling-house otherwise than by agreement where any part of such dwelling-house is used for any trade manufacture or business for which water is required;

To any workhouse hospital or other large public institution otherwise than by meter upon such terms as may be from time to time agreed between the Company and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or than as in case of difference may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate.

Rate payable by owner for small houses &c.

62. Where the annual rack rent or value of a house supplied with water does not exceed ten pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the next and if necessary from any subsequent rent due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Power to Company to supply water for other than domestic purposes.

63. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure Provided that such supply for other than domestic purposes shall not at any time interfere with the supply for domestic purposes Provided also that the Bognor Local Board as the urban sanitary authority for the district of that board

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shall be entitled to a supply of water for the purposes mentioned in section 37 of the Waterworks Clauses Act 1847 at a rate not exceeding one shilling for every thousand gallons.

Penalty on persons other than authorised servants of the Company tapping mains.

64. No person other than a servant of the Company authorised by them in that behalf shall at any time drill tap or make any communication with any main or other pipe of the Company without the previous consent in writing of the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Company not bound to supply several houses by one pipe.

65. The Company shall not be bound to supply more than one house by means of the same communication pipe but they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

Where several houses supplied by one pipe each to pay.

66. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe Provided that the owner of such premises shall be primarily liable for the water rate Provided also that the Company shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of water to tenements in a row.

67. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements or any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water and every person offending against this enactment and every tenant or occupier of any one of such tenements who allows water to be taken or used contrary to this enactment shall be liable for every such offence to a penalty not exceeding five pounds.

Incoming tenant not liable for arrears.

68. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Notice of discontinuance.

69. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the office for the time being of the

Company or sent in a registered letter to the Secretary of the Company. A.D. 1891.

Power to sell or let meters.

70. The Company may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such rent and on such terms and conditions with respect to the protection of such meter and fittings and for securing safe access to and the safety and return to the Company of such meter and fittings as the Company may prescribe or as may from time to time be agreed upon between the hirer and the Company and the rent of meters let for hire by the Company shall be paid and be recoverable in the same manner as water rates rents or charges due to the Company.

Company to keep meters in repair.

71. The Company shall at all times at their own expense keep all meters let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues The Company shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times.

Notice to Company of putting up &c. meters.

72. No meters shall be used except of the kind and size from time to time approved by the Company and the position and manner of fixing and protecting meters shall in each case be directed by the Company Before any person connects or disconnects any meter through 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 to and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of an officer or other person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Register of meter to be primâ facie evidence.

73. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed 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 upon 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.

Fraudulently injuring meters &c.

74. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging

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to the Company or fraudulently alters the index to any meter or prevents any such meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence forfeit and pay to the Company a sum not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter or fitting belonging to the Company or has fraudulently altered the index to any meter 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 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 or fitting is 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 or fitting.

Repair of meters.

75. 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 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 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.

76. 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. A.D. 1891.

Power for Company to supply materials &c.

77. 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 meters cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances as are required or permitted by their regulations 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 works shall be paid by the person requiring the same.

Regulations for preventing waste or contamination of water.

78. 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 from time to time make regulations for the purpose of preventing the waste misuse undue consumption or contamination of water and may by such regulations prescribe the size make 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 misuse undue consumption or contamination;

(2) No such regulations shall be of any force or effect except within such part or parts of the district in which the Company for the time being are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such regulations shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to every sanitary authority within the limits of this Act and any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient;

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(3) All such regulations shall be subject to the provisions contained in sections one hundred and eighty-two one hundred and eighty-three and one hundred and eighty-four of the Public Health Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the regulations were byelaws 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 regulations 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 regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy;

(5) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof;

(6) In case of failure of any person to observe such regulations 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 for the purposes of supply and not being in accordance with such regulations 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 rate is recoverable;

(7) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) for every such offence forfeit and pay to the Company a sum not exceeding five pounds and a further daily sum not exceeding forty shillings for each 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.

Where regulations confirmed Company bound to afford constant supply in parts of district specified in the regulations.

79. Any regulations which the Company from time to time 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 regulations shall apply and after such regulations (either in their original or in any modified form) have been confirmed by that board the Company shall thenceforth be bound to afford a constant supply in the part or parts of the district specified in the regulations so confirmed.

Form and service of notices by Company.

80. Any notice to be served on a person supplied with water may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp 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 business or by delivering the same to some inmate of 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 diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Power to supply water in bulk within or without limits of Act

81. The Company may from time to time by agreement supply any county council sanitary or local authority company body or person within or without the limits of this Act with water in bulk for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Company and such council authority company body or person but notwithstanding any such agreement no such council authority company body or person shall be entitled to a supply of water under any such agreement whenever and so long as the Company are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Act and every such agreement shall by virtue of this Act be determinable by the Company on one month's notice in writing Provided that nothing herein contained shall be construed as conferring any power on the Company in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of this Act or as empowering the Company to

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supply water within the district of any local authority or the limits of any company now authorised by Act of Parliament or provisional order confirmed by Parliament to supply water beyond the limits of this Act unless with the consent in writing of such local authority or company.

Representation of the Company in bankruptcy &c.

82. In proceedings under any bankruptcy or liquidation by arrangement or deed of composition or arrangement the secretary of the Company or any person appointed on his behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Liability to water rent not to disqualify justices &c.

83. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of liability to the payment of any water rate meter rent or other charge under this Act.

Contents of summons &c.

84. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

Warrant of distress to include costs.

85. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Costs of Act.

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

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