CHAPTER cxxxvii.

An Act to authorise the transfer of the Undertaking of the Shoreham and District Waterworks Company to and to confer further powers upon the Mayor Aldermen and Burgesses of the Borough of Brighton and for other purposes. [20th July 1896.]

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WHEREAS under the Brighton Corporation Waterworks Act 1872 (in this Act called "the Act of 1872") the waterworks of the Brighton Hove and Preston Constant Service Waterworks Company were transferred to and vested in the mayor aldermen and burgesses of the borough of Brighton (in this Act called "the Corporation") and powers were conferred upon the Corporation to supply and the Corporation have supplied and are now supplying water within the said borough and certain neighbouring parishes:

And whereas by the Shoreham and District Waterworks Act 1870 (in this Act called "the Act of 1870") the Shoreham and District Waterworks Company (in this Act called "the Company") were incorporated and by that Act and the Shoreham and District Waterworks Order 1879 were authorised to supply water within the parishes of Old Shoreham New Shoreham Kingston-by-Sea Southwick Portslade Aldrington Lancing Upper Beeding and Bramber in the county of Sussex:

And whereas the capital of the Company consists of—

Seven hundred and fifty "ordinary shares" of the nominal value of ten pounds each entitled to a maximum dividend at the rate of ten per centum per annum;

Two hundred "new ordinary shares" of the nominal value of ten pounds each of which seven pounds only are paid up entitled to a maximum dividend at the rate of seven per centum per annum;

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Eight hundred "preference shares" of the nominal value of ten pounds each entitled to a maximum dividend at the rate of five per centum per annum;

Two hundred "new preference shares" of the nominal value of ten pounds each of which seven pounds only are paid up entitled to a maximum dividend at the rate of four per centum per annum:

And whereas the Company now owe the sum of four thousand eight hundred and seventy-five pounds secured by mortgages redeemable on six months notice in writing being given to the holders thereof:

And whereas the Company and the Corporation have agreed for the transfer to the Corporation of the undertaking rights powers and privileges of the Company on the terms and conditions herein-after contained and it is expedient that provision be made for effecting that object and that the limits of the Corporation for the supply of water be extended and further powers be conferred upon the Corporation as herein-after provided:

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

And whereas an estimate has been prepared by the Corporation showing that the Corporation may require to borrow for purposes of their waterworks undertaking to which capital is properly applicable (being permanent works within the meaning of section 234 of the Public Health Act 1875) further sums which with the moneys required for effecting the transfer of the undertaking and enabling the Corporation to give effect to the provisions of this Act in relation thereto amount to one hundred and twenty-five thousand pounds:

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-first day of November one thousand eight hundred and ninety-five after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Brighton Gazette a local newspaper published or circulating in the borough of Brighton (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the waterworks fund:

And whereas such resolution was published twice in the Brighton Examiner a local newspaper circulating in the said borough and has received the approval of one of Her Majesty's Principal Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the second day of January one thousand eight hundred and ninety-six being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided by Schedule III annexed to the Public Health Act 1875 with respect to resolutions of owners and ratepayers under that Act consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and books of reference to those 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 or under the powers of this Act were duly deposited with the clerk of the peace for the county of Sussex and are in this Act referred to as "the deposited plans sections and books of reference":

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 Brighton Corporation Water Act 1896.

Provisions of certain general Acts incorporated.

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

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) and the Waterworks Clauses Act 1863.

Interpretation.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The borough" means the municipal borough of Brighton;

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

"The town clerk" means the town clerk for the time being of the borough;

"Borough fund" and "borough rate" mean respectively the borough fund and borough rate of the borough;

"Waterworks fund" means the rates rents and revenues derived by the Corporation from their waterworks as for the time being existing and the special water rates authorised by the Act of 1872;

"The Company" means the Shoreham and District Waterworks Company;

"The Company's Acts" means the Act and Provisional Order recited in the preamble of this Act and relating to the Company;

"The Shoreham district" means the limits for the supply of water as defined by the Company's Acts exclusive of the parishes of Bramber and Upper Beeding:

And the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act (except where otherwise expressly provided) have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act:—

"The undertakers" or "the promoters of the undertaking" means the Corporation;

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act and for the purposes of this Act in the Acts incorporated herewith shall 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.

Transfer of Company's undertaking to Corporation.

4. The Company shall sell and the Corporation shall purchase the undertaking property rights powers and privileges of the Company for the considerations and on the terms and conditions in this Act mentioned and for the purposes of such sale and of this Act the undertaking shall be deemed to include the waterworks of the Company and all plant apparatus and works of the Company connected therewith and all lands buildings easements rights powers authorities and privileges of or exercisable by the Company and all registers books plans and other documents relating to the Company as the same exist on the thirtieth day of September one

thousand eight hundred and ninety-six (herein-after referred to as "the date of transfer") and all other the estate real or personal of or on that day belonging to the Company or to which the Company is entitled except—

(A) Moneys lying to the credit of the Company at their bankers or in hand upon the date of transfer and all debts (other than water rents and rates payable in advance on that day in respect of the quarter ending the twenty-fifth day of December one thousand eight hundred and ninety-six) due to the Company;

(B) All rights powers authorities and privileges of the Company relating or incidental to their capital or to their character of a Company; and

(C) The articles referred to in the section of this Act whereof the marginal note is "Coals &c."

Consideration for transfer.

5. The consideration for such transfer shall be—

(A) The issue by the Corporation on the date of transfer to every person who on the date of transfer is the registered holder of one or more shares in the capital of the Company of an amount of Brighton Corporation Three and a half per centum Redeemable Stock (bearing interest from the date of transfer) sufficient to yield an annual income equal in amount to the annual income which dividends on the amounts paid up on the share or shares so held by him at the maximum rates aforesaid would yield;

(B) The payment by the Corporation to the Company on the date of transfer of the sum of eleven thousand six hundred and seventy-five pounds.

Provisions incidental to transfer.

6. With respect to the transfer of the undertaking the following provisions shall have effect (that is to say):—

(1) The Company shall until the date of transfer carry on and manage their undertaking according to their usual course of business and shall maintain uphold and keep the works and property included in their undertaking in their present state and condition (reasonable wear and tear excepted) and shall continue to keep proper accounts:

(2) The Company shall be entitled to all the rents profits and sums of money accrued due in respect of their undertaking up to the date of transfer (other than water rents and rates in respect of the quarter ending the twenty-fifth day of December one thousand eight hundred and ninety-six) and shall discharge all liabilities and outgoings up to that date (including interest upon their mortgages and liabilities in

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respect of causes of action then existing) and shall be entitled also to the proportion of all rents profits and sums of money at the date of transfer accruing to the Company but not at that date actually due or payable which shall be attributable to the period prior to the date of transfer and such rents profits and sums shall be apportioned between the Company and the Corporation accordingly and shall when due be recoverable by the Corporation who shall pay to the Company the proportion of all rents profits and sums so recovered which shall be attributable to the period prior to the date of transfer :

(3) The Company shall not without the previous consent in writing of the town clerk borrow any money on mortgage of their undertaking or issue any capital or call up any unpaid capital :

(4) The Company shall not make or enter into any new liability contract agreement or other obligation in respect of their undertaking which shall extend beyond the date of transfer or any other liability contract agreement or obligation except such as may be in the ordinary course of the proper conduct of the affairs of the Company and with the intention of benefiting the undertaking in the hands of the Corporation :

(5) From and after the date of transfer or as the case may be the twentieth day of September one thousand eight hundred and ninety-six and until the Company shall be finally wound up and dissolved the Company shall have full access at all reasonable times to the registers books documents and accounts relative to their undertaking for the purpose of making up the accounts of the Company and for all other reasonable purposes in relation to the winding up of the affairs of the Company.

Application by Company of consideration money.

7. The directors of the Company shall apply the sum of eleven thousand six hundred and seventy-five pounds part of the consideration paid to them by the Corporation as aforesaid and any other moneys paid to the Company by the Corporation pursuant to this Act as follows :—

(1) In paying off or redeeming on the date of transfer the then existing mortgages of the Company ;

(2) In paying to the persons who on the date of transfer shall be directors of the Company of the sum of five hundred pounds in equal shares ; and

(3) The balance shall be distributed by the directors amongst the persons who are shareholders of the Company on the date

of transfer in proportion to the amounts of the deficiencies of dividends in past years upon the share capital of the Company held by such persons on that date and not then made up.

Transfer and vesting of undertaking of Company in Corporation.

8. The transfer of the undertaking shall be completed on the said thirtieth day of September one thousand eight hundred and ninety-six and shall be evidenced by a deed which may be in the Form set forth in the Schedule to this Act or to the like effect and the undertaking of the Company shall as from that date by virtue of this Act be transferred to and vested in the Corporation freed and discharged as between the Company and the Corporation from the said mortgage debt and all other debts of the Company and all liabilities up to that date (including liabilities for interest on such mortgage debt and in respect of causes of action then existing) and all liabilities contracts agreements and obligations relating to the raising of money by the Company entered into or incurred by them and relating to or affecting the undertaking but subject to all other contracts engagements and obligations of the Company in relation to or affecting the same and the Company shall on the said date give possession of the undertaking to the Corporation and thenceforth the Corporation shall in their own name and for their own benefit have and hold the said undertaking Provided that the Corporation shall indemnify the Company from all actions suits claims or demands whatsoever in respect of any of the contracts engagements and obligations last above-mentioned.

Application of Company's Acts to the Corporation.

9. From and after the transfer all the powers rights privileges and authorities of the Company under the Company's Acts as amended by this Act and the Acts incorporated therewith shall be by virtue of this Act transferred to and vested in the Corporation subject to the provisions of this Act and to the following exceptions (namely):—

(1) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Acts 1863 and 1869 incorporated with the Company's Acts shall not apply to the Corporation:

(2) None of the provisions of the Company's Acts or of any Acts incorporated therewith in any manner relating to the share stock or loan capital or the mortgagees or debenture stock holders of the Company or to any limitation of the amount of profit to be received by the Company or undertakers or to the balancing of the books or to the accounts of the Company or to the constitution meetings or directors of the Company shall apply to the Corporation:

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(3) This Act and the Company's Acts so far as they apply to the Corporation shall be carried into effect by the Corporation acting by the council with all the powers privileges duties and obligations of the Corporation as a municipal authority:

And the Company's Acts as amended by this Act shall subject to such exceptions be read and have effect as if the Corporation had been named therein instead of the Company and in construing the provisions of the Acts incorporated with the Company's Acts the expressions "the undertakers" and "the promoters of the undertaking" shall mean the Corporation Provided that notwithstanding anything in this section the Company shall also have and may exercise after the date of transfer all or any of the statutory rights conferred by the Company's Acts for ascertaining and enforcing the payment of all moneys which on the date of transfer may be due to them so far but so far only as may be necessary for the purpose of ascertaining and enforcing such payment.

Pending actions &c. by or against Company.

10. If at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but any such action or proceeding or cause of action or proceeding (other than one for the recovery of money due to the Company on the date of transfer and which in accordance with the foregoing provisions of this Act is to belong to the Company or in respect of any debt owing by the Company on the date of transfer) may be continued prosecuted and enforced by or against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed.

Contracts of Company to be binding on Corporation.

11. All conveyances deeds contracts agreements and other instruments (other than debentures issued by the Company) affecting the Company and in force at the date of transfer shall as from that date be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the Company the Corporation had been a party thereto and the Corporation shall indemnify the Company from all actions suits claims or demands whatsoever in respect of the same.

Company to indemnify Corporation.

12. The Company shall indemnify and save harmless the Corporation against all actions suits claims or demands against the Corporation or the undertaking in respect of the mortgage debt or any other debts of the Company or any liabilities in respect of causes of action existing at the date of transfer.

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Officers &c. of Company continued in service of Corporation.

13. Every officer or servant (but not including the directors or persons of the labouring class engaged for periods of less than one week) who on the thirty-first day of October one thousand eight hundred and ninety-five was and on the date of transfer shall still be in the employment of the Company shall be taken over by the Corporation on the same terms as to position and emoluments as those under which he was employed by the Company on the said thirty-first day of October one thousand eight hundred and ninety-five and shall continue in the employment of the Corporation until he resigns or is removed or dismissed by the Corporation but no such officer or servant shall be arbitrarily or unreasonably removed or dismissed by the Corporation.

Coals &c.

14. The Corporation shall take the stock of coals and all stock in hand and other stores of a similar character purchased by the Company out of revenue and at the date of transfer belonging to the Company at such price as failing agreement may be settled by arbitration in manner herein-after provided and shall pay for the same within fourteen days from the time when the amount due in respect thereof shall have been ascertained.

Receipt for sums in gross.

15. The receipt in writing of any three of the directors of the Company for any sum in cash to be paid to the Company by the Corporation shall be conclusive evidence of the payment of the sum in such receipt acknowledged to be received and shall effectually discharge the Corporation from all liability in respect of the payment of the sum in such receipt acknowledged to have been received and from being answerable or accountable for any loss misapplication or non-application thereof.

Closing registration of transfers.

16. It shall be lawful for the directors of the Company to close and they shall close the register of transfers of shares in the capital of the Company on the sixteenth day of September one thousand eight hundred and ninety-six and the secretary of the Company shall make up and deliver to the town clerk on or before the twentieth day of September one thousand eight hundred and ninety-six the register of transfers and register of shareholders of the Company and the shareholders address book and the persons who appear by such register of shareholders to be the proprietors of shares in the capital of the Company or their respective executors administrators successors or assigns shall be respectively considered the shareholders of the Company for the purpose of the issue of stock under this Act and any transfer of shares which is not duly registered in such register of transfers prior to the sixteenth day of September one thousand eight hundred and ninety-six shall

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as between the Corporation and the party claiming under the same be of no effect.

Inscription of stock &c. to discharge Corporation.

17. The inscription on the register of Brighton Corporation Three and a half per centum Redeemable Stock kept by the Corporation in the names of the persons appearing on the register of shareholders of the Company on the date of transfer of the amounts of stock to which such persons are severally entitled under the foregoing provisions of this Act and the transmission through the post in a registered letter to such persons at the addresses stated in the shareholders' address book of the Company of scrip certificates for the amount of stock standing in their names respectively shall be a full and sufficient discharge to the Corporation for the consideration for the transfer so far as the same consists of stock.

Winding up and dissolution of Company.

18. As soon as may be after the transfer the affairs of the Company shall be wound up and for that purpose the directors of the Company then in office and the survivors of them shall continue in office without re-election and such directors and the Company shall have and may exercise all powers and do all acts necessary or proper for the declaration and payment of dividends and generally for the distribution of the assets and the winding up of the affairs of the Company and when the affairs of the Company have been completely wound up the Company shall be by virtue of this Act dissolved.

If the number of directors be reduced by death or resignation below three before the completion of such winding up the continuing directors or director shall from time to time choose a member or members of the Company to be a director or directors of the Company so that the number of directors shall as soon as may be be raised again to three.

Payment into court by directors when person entitled to money cannot be found.

19. Where the directors of the Company are for twelve months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money assets dividends or other moneys to be distributed by them is payable or where any part thereof is payable to a person who or whose committee cannot give an effectual receipt for the same the directors may pay the same into court under any Act for the time being in force for the relief of trustees.

Any matters in difference between Company and Corporation to

20. If any question shall arise between the Company and the Corporation touchin any of the foregoing provisions of this Act or as to anything to be one or not to be done or any money to be paid or not to be paid thereunder such question or difference shall

be determined by arbitration in accordance with the provisions of the Arbitration Act 1889. be settled by arbitration.

21. Subject to the provisions of this Act the Corporation may make and maintain in and according to the lines situations and levels shown on the deposited plans and sections the adits or headings herein-after described together with all such shafts cuts drifts works and conveniences as may be necessary or convenient in connection therewith The said adits or headings will be wholly situate in the county of Sussex and are-- Power to make waterworks.

(1) An adit or heading (No. 1) commencing on the east side of the reservoir or pond in which the spring commonly called the Spring Dyke rises on the property of the Company and running thence for a distance of 3 chains or thereabouts in an easterly direction and there terminating:

(2) An adit or heading (No. 2) commencing at or about the termination of the adit or heading (No. 1) by this Act authorised and running thence for a distance of 33 chains or thereabouts in a southerly direction and there terminating:

(3) An adit or heading (No. 3) commencing at or about the termination of the adit or heading (No. 1) by this Act authorised and running thence for a distance of 37 chains or thereabouts in a northerly direction and there terminating.

22. In constructing the works by this Act authorised or any of them the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet. Power to deviate.

23. Notwithstanding anything contained in section 45 of the Act of 1870 the Corporation may as from the date of transfer from time to time collect impound take divert and appropriate for the purpose of supply in any district in which they are for the time being authorised to supply water the whole of the waters known as the "Spring Dyke" and all such streams springs and waters as will or may be intercepted by the works authorised by this Act or as may be found in or under any of the lands for the time being belonging to the Corporation or for or in respect of which they may acquire an easement for that purpose but the Corporation shall after the transfer be bound by the provisions of that section with respect to the discharge into the dykes or cuttings in that section referred to of water not exceeding in any one day of twenty-four hours fifty thousand gallons and the supply of water subject to the Amendment of section 45 of Act of 1870.

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provisions of that section to New Erringham House Buckingham House Little Buckingham House and Adur Lodge.

Power to Corporation to purchase land in parish of Old Shoreham.

24. The Corporation may enter upon take and use for the purposes of the works by this Act authorised and for the general purposes of their undertaking the lands in the parish of Old Shoreham shown on the deposited plans and described in the deposited books of reference and may hold the same and may from time to time sell lease exchange or otherwise dispose thereof in such manner for such consideration and on such terms and conditions as they think fit and in any such sale or lease may reserve to themselves all or any water or water rights or other easements belonging thereto and may make the sale or lease subject to such reservation and may also make such sale or lease subject to reservations conditions restrictions and provisions with respect to the use of water the protection and prevention of the contamination of water and such other like matters as the Corporation may think fit.

Period for compulsory purchase of lands.

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

Power to take easements &c. by agreement.

26. 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 Corporation any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges as 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.

Restriction on taking houses of labouring class.

27. The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district 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 last but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artizans 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.

Undertaking &c. to be part of water undertaking of Corporation.

28. Subject to the provisions of this Act the undertaking by this Act transferred to the Corporation and the waterworks by this Act authorised to be made by the Corporation shall form part of the waterworks undertaking of the Corporation.

Extension of water limits.

29. From and after the date of transfer the limits of the Corporation for the supply of water shall in addition to the parishes and places within which they are at the date of the passing of this Act authorised to supply water and the parishes included within the Shoreham district extend to and include the parish of West Blatchington and the Corporation may supply water and shall have and may exercise in the said parish all such and the like powers rights and privileges as they now have and may exercise within the parishes and places which at the date of the passing of this Act they are authorised to supply with water.

Bramber and Upper Beeding excluded from limits of supply.

30. From and after the transfer all powers privileges and authorities duties liabilities and obligations conferred or imposed by the Company's Acts with respect to the supply of water within the parishes of Bramber and Upper Beeding shall cease.

Provision as to rates.

31. The provisions of section 47 of the Act of 1870 shall be read and have effect as if the rate of not exceeding five per centum per annum on the rateable value (as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrued or if there is no such list in force by the last rate made for the relief of the poor) of any dwelling-house or part of a dwelling-house supplied with water for domestic purposes had been mentioned therein instead of the rate of seven pounds ten shillings per centum per annum on the annual rack-rent or value of such dwelling-house or part of a dwelling-house and as if the respective sums of "seven shillings and sixpence" and "nine shillings" had been mentioned in the proviso to that section instead of the sums of "ten shillings" and "twelve shillings" as mentioned therein Provided always that the Corporation shall not make for any watercloset or bath in any dwelling house or part of a dwelling house situate in the Shoreham district any charge above the charge for the time being made for waterclosets and baths within the borough.

As to charges for public purposes in

32. The Corporation shall charge for water supplied to the New Shoreham Urban District Council the Steyning East Rural District Council and the Steyning West Rural District Council for use for

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public purposes within the Shoreham district on the same scale as that on which water is for the time being supplied to the Newhaven Rural District Council for use for like purposes within the parish of Rottingdean.

Water rates &c. in Aldrington to be same as in borough.

33. Notwithstanding anything in the Company's Acts as amended by this Act the Corporation shall at all times charge the same water rates and meter rents within the parish of Aldrington as those for the time being charged by the Corporation within the borough for the like purposes.

Confirmation of regulations under Act of 1870.

34. No regulations to be made by the Corporation under the powers of section 57 of the Act of 1870 shall be of any force or effect 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 a copy of any such regulations in force for the time being shall be kept at the town clerk's office and all persons may at all reasonable times inspect such copy without payment and the Corporation 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 threepence for each copy.

Penalty for breach of regulations.

35. So much of section 58 of the Act of 1870 as authorises the cutting off of the water supplied to any person having a supply of water is hereby repealed and any person who shall fail to comply with or offend against any regulation made under that Act or shall wilfully or negligently cause or suffer any fittings prescribed by any such regulation to be out of order shall (without prejudice to any other right or remedy for the protection of the Corporation 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 whereon such offence shall continue after conviction thereof and the Corporation may in addition thereto recover the amount of any damages sustained by them.

Application of moneys.

36. The Corporation may apply to the purposes of this Act the unapplied balance of any money raised for the purposes of the Act of 1872 or any moneys which the Corporation are authorised to raise for the purposes of that Act.

Power to borrow.

37. The Corporation may from time to time borrow at interest on the security of the waterworks fund and if they think fit (as a collateral security) of the borough fund and borough rate for the purposes of this Act and the general purposes of their waterworks such sums as they may deem requisite not exceeding one hundred

and twenty-five thousand pounds and the Corporation may also borrow on the like security for payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act" such sum as may be ascertained as herein-after provided:

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

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

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

Protection of lenders from inquiry.

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

As to repayment of borrowed money.

39. All moneys borrowed by the Corporation under the foregoing provisions of this Act may be borrowed for any terms not exceeding the terms herein-after respectively mentioned from the date of the original loan (that is to say):—

As regards moneys borrowed for the purpose of paying the costs charges and expenses aforesaid five years;

As regards moneys borrowed for any other purpose fifty years:

And subject as aforesaid all moneys borrowed by the Corporation under the authority of this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the

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interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

Sinking fund.

40. The Corporation in case they borrow any moneys on mortgage under the foregoing provisions of this Act repayable by means of a sinking fund shall within twelve months after borrowing the same and thenceforth annually on the same or some earlier day set apart as a sinking fund for the payment of such moneys out of the funds and rates on the security of which such moneys shall have been borrowed such equal annual sum or sums as will with accumulations by way of compound interest after a rate not exceeding three per centum be sufficient to pay within such a period as they may think fit (not exceeding the period by this Act in each case prescribed for the repayment thereof) the amount of the principal moneys so borrowed.

All sums so set apart and the income thereof shall from time to time be invested in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or on the security of mortgages bonds debentures debenture stock or other security (not including annuity certificates or certificates payable to bearer) of any municipal corporation in Great Britain (other than the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875.

If and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any deficiency shall be made good out of the funds and rates which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any such excess may be applied as part of such equal annual payments.

The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of moneys for which such sinking fund is set aside in such order and manner as they deem proper Provided that in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based Provided also that

whenever and so long as the securities in which such sinking fund is invested shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto. A.D. 1896.

Annual return to Local Government Board with respect to re-payment of moneys borrowed on mortgage.

41. The town clerk shall within forty-two days after the thirty-first day of March of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed on mortgage under the foregoing powers of this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments in the event of the Corporation borrowing under the provisions of the Local Loans Act 1875.

A.D. 1896.

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

42. The proceeds of the sale of any lands acquired by the Corporation under the powers of this Act shall be applied in or towards the discharge of any moneys borrowed by the Corporation under the powers of this Act and for the time owing or if there be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation but shall not be applied to the payment of instalments or to payments into the sinking fund.

Power to re-borrow.

43. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under the foregoing provisions of this Act on the same becoming repayable or for paying off any part of any of such principal moneys as they can borrow at a lower rate of interest Provided as follows :—

(1) The time for repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed :

(2) For the purpose of repayment all moneys so re-borrowed and the moneys originally borrowed shall be deemed the same loan :

(3) The Corporation shall not re-borrow any money paid off by means of instalments or a sinking fund or appropriations or annual repayments or out of the proceeds of the sale of surplus lands or out of premiums or fines on leases or other moneys received on capital account not being borrowed moneys.

Power to borrow under Local Loans Act 1875.

44. The Corporation if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Fund Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by mortgage under this Act and such funds and rates shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the respective periods prescribed by this Act.

The Corporation may invest any sums paid into any sinking fund formed by them under the provisions of the Local Loans Act 1875 in any securities in which by the section of this Act of

which the marginal note is "Sinking fund" they are authorised to invest sums set apart as a sinking fund under the powers of that section.

Application of money borrowed.

45. All money borrowed under the foregoing provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended.

Audit of accounts.

46. The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act and the Act of 1872.

Saving existing charges.

47. Nothing in this Act shall prejudicially affect any charge on the borough fund and borough rate by way of mortgage or otherwise subsisting at the passing of this Act and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or other security granted created or issued under this Act.

Corporation not to regard trusts.

48. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Costs of Act.

49. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act (including the costs charges and expenses of the Company of and incidental thereto properly incurred and

A.D. 1896.

the costs incurred by the Corporation in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons and the costs charges and expenses of the Corporation in relation to the negotiations for and to the sale and purchase of and conveyance to the Corporation of the Company's undertaking (including the costs properly incurred by the Company in relation thereto) shall be when taxed paid by the Corporation out of the waterworks fund or out of any moneys borrowed under the authority of this Act.

The SCHEDULE referred to in the foregoing Act.

FORM OF DEED OF TRANSFER OF WATER UNDERTAKING.

In pursuance of and subject to the provisions of the Brighton Corporation Water Act 1896 the Shoreham and District Waterworks Company do hereby in consideration of grant convey and assign to the Mayor Aldermen and Burgesses of the borough of Brighton the undertaking as defined by the said Act To hold to them the said Mayor Aldermen and Burgesses their successors and assigns and the said Mayor Aldermen and Burgesses do accept the same accordingly.

In witness &c.

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

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