CHAPTER lxviii.

An Act for dissolving the Burgess Hill and Saint John's Common Water Company (Limited) for re-incorporating the proprietors therein with others and for conferring powers on the Company so to be incorporated and for other purposes. [25th June 1886.]

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WHEREAS in the year one thousand eight hundred and seventy certain persons formed themselves into a water company under the name of the Burgess Hill and Saint John's Common Water Company (Limited) herein-after referred to as "the Limited Company" for the purpose of supplying with water Burgess Hill and Saint John's Common and other places in the parishes of Keymer and Clayton in the county of Sussex and any towns and villages in parishes adjoining the said parishes of Keymer and Clayton or either of them to purchase lease and otherwise acquire lands for the purposes of the Company and generally for carrying on the business usually carried on by water companies and such Company was duly registered under the Companies Act 1862:

And whereas by the Burgess Hill and Saint John's Common Water Order 1871 herein-after referred to as "the Order of 1871" which was confirmed by the Gas and Water Orders Confirmation Act 1871 the Limited Company were empowered to supply water within the said parishes of Keymer and Clayton and the parish of Ditchling in the same county and to acquire lands for the purposes of their undertaking:

And whereas by the Burgess Hill and Saint John's Common Water Order 1877 herein-after referred to as "the Order of 1877" which was confirmed by the Gas and Water Orders Confirmation (Brotton &c.) Act 1877 the Limited Company were further empowered to supply water within the parish of Hurstpierpoint in the same county:

And whereas the present capital of the Limited Company is twenty thousand pounds in two thousand shares of ten pounds each

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one thousand nine hundred and fifty of which shares have been issued and are fully paid up:

And whereas the Limited Company have borrowed and now owe two thousand five hundred pounds secured by debentures:

And whereas the several parishes which the Limited Company were empowered to supply with water have derived great benefit from the water supplied by the Limited Company and inasmuch as the demand for water has increased and is increasing it is expedient that the Limited Company be dissolved and the proprietors therein with others be re-incorporated by this Act and that the Company so re-incorporated herein-after referred to as "the Company" be empowered to construct additional waterworks to raise additional capital and to supply water within the limits in the manner and subject to the conditions by this Act prescribed:

And whereas the Limited Company own waterworks in the parish of Ditchling situate on lands held by them on lease and it is expedient that the Company have power to purchase compulsorily the fee simple of such lands:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also plans of the lands now held on lease by the Limited Company the fee simple whereof may be purchased compulsorily by the Company under the powers of this Act and also books of reference 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 under the powers of this Act for the purposes of the works by this Act authorised and of the lands the fee simple whereof may be purchased compulsorily by the Company 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:

Short title.

1. This Act may be cited as the Burgess Hill Water Act 1886.

Incorporation of general Acts.

2. 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 the Lands Clauses Consolidation Acts 1845 1860

and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and the Waterworks Clauses Acts 1847 and 1863 so far as they are applicable to the purposes of and are not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expressions "the undertaking" "the works" and "the waterworks" respectively mean and include the waterworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company and any improvements thereof which they may construct under the powers of this Act and the lands buildings estate right title property privileges effects and undertaking of the Company and every part thereof respectively and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in any Act wholly or in part incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt and not a debt contract or demand created by statute.

Limits of Act.

4. The limits of this Act for the supply of water herein-after referred to as "the limits of this Act" shall be the parishes of Ditchling Keymer Clayton and Hurstpierpoint in the county of Sussex: Provided that if the district of any local authority so far as included within the limits of the Company by this section be not adequately supplied with water by the Company within five years after the period fixed by this Act for the completion of works the restriction on the construction of waterworks by a local authority contained in section 52 of the Public Health Act 1875 shall not apply to or be binding on such local authority in respect of the Company in the case of such local authority desiring to construct waterworks within such part of their district.

Dissolution of Limited Company and incorporation of Company.

5. 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 already subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of maintaining and constructing

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waterworks and supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Burgess Hill Water Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

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

6. Subject to the provisions of this Act all the lands waterworks reservoirs aqueducts conduits erections buildings rights and easements which immediately before the passing of this Act were vested in the Limited Company or any person in trust for them or to which the Limited Company were in anywise entitled and all mains and pipes plant hydrants engines plugs meters apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of this Act or which immediately before the passing of this Act were the property of the Limited Company and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf and may according to 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.

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

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

Nothing to affect previous rights and liabilities.

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

9. 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 the Limited Company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company the Company had been a party thereto.

Actions &c. not to abate.

10. 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 the Limited Company or to which the Limited Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively.

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Trustees &c. of Limited Company to be indemnified.

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

Company to satisfy liabilities of Limited Company.

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

Recovery of water rates &c.

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

As to payment of debts owing before passing of Act.

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

Certificates &c. to remain in force.

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

Books &c. continued evidence.

16. 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.

17. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company 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 registers of members to be continued.

18. The books kept by the Limited Company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of such shares shall and may continue to be kept for the same purpose by the Company and shall until some other register of shareholders 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.

19. The capital of the Company shall be thirty thousand pounds whereof nineteen thousand five hundred pounds is in this Act called the original capital and ten thousand five hundred pounds is in this Act called the additional capital and shall be raised in manner herein-after mentioned and the original capital shall be divided into one thousand nine hundred and fifty shares of ten pounds each which shares are in this Act called "the old shares" and the Company may convert into stock the whole or any part of their original or additional capital when fully paid up.

Vesting of old shares in present shareholders.

20. The old shares shall be vested in the several persons who immediately before the passing of this Act were the registered members of the Limited Company share for share in substitution for the existing shares of the Limited Company and every share so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the share for which the same is substituted and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting the same.

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

21. 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

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issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof.

Power to Company to raise additional capital.

22. The Company may from time to time raise additional capital not exceeding in the whole ten thousand five hundred pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Profits of the Company limited.

23. The Company shall not in any one year make out of their profits any larger dividend on the additional 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 as shall be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

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

24. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate deduction shall be made in the dividend of each class.

Calls.

25. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any one year upon any share.

Receipt in cases of persons not sui juris.

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

Power to borrow on mortgage in respect of original capital.

27. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking in respect of the original capital of nineteen thousand five hundred pounds any sums not exceeding in the whole five thousand pounds inclusive of the sum of two thousand five hundred pounds borrowed by the Limited Company and secured by debentures.

Power to borrow in respect of additional capital.

28. In addition to the sum of five thousand pounds which the Company are authorised to borrow by the last preceding section they may from time to time borrow on mortgage of the undertaking in respect of the additional capital of ten thousand five hundred

pounds by this Act authorised to be raised by shares or stock any sums not exceeding in the whole two thousand six hundred and twenty-five pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for so much of such capital as is to be raised by shares have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Priority of mortgages over other debts.

29. All moneys to be raised by the Company on mortgage or debenture stock under the provisions of 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 them after the passing of this Act: Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company 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.

For appointment of a receiver.

30. The mortgagees of the Company may enforce payment of the 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

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application for a receiver is made shall not be less than two thousand pounds in the whole.

As to conversion of borrowed money into capital.

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

Power to create debenture stock.

32. 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 after the passing of this Act 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 and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

33. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act only to which capital is properly applicable and not otherwise.

First ordinary meeting.

34. The first ordinary meeting of the Company shall be held within three months after the passing of this Act.

Number of directors.

35. The number of the directors shall not exceed seven but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

36. The qualification of a director shall be the possession in his own right of shares or stock to the amount of two hundred pounds paid up.

Quorum.

37. The quorum of a meeting of directors shall be three but if the number of the directors be reduced to four the quorum shall be two.

First directors.

Election of directors.

38. George Blaker Henry Frape George Maynard James Meeds and William Wood and one other person to be nominated by them or the majority of them and consenting to such nomination 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 may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of

directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Contracts not to disqualify for office of director.

39. Any contract to be made with any board corporation or public body under this Act shall not disqualify any of the members of any such board corporation or public body for the office of director but no director being a member of any such board corporation or public body shall vote on any question as to any contract with such board corporation or public body.

Power to make waterworks.

40. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the waterworks herein-after described with all proper embankments filtering beds softening tanks dams sluices channels tanks engines pipes buildings machinery and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. The waterworks herein-before referred to and authorised by this Act are :—

(*a.*) A well shaft or boring with pumping station pumping engines and engine and boiler house and other works buildings and conveniences connected therewith wholly at Whitelands in the parish of Keymer in the county of Sussex. The said well shaft pumping station and other works will have a superficial area of three thousand feet or thereabouts and will be situate in a certain arable field numbered 765 in the parish of Keymer on the 25-inch ordnance map of the county of Sussex and will be distant four hundred feet or thereabouts from the south-western corner of the said arable field four hundred and thirty feet or thereabouts from the south-eastern corner of the said arable field and eighty feet or thereabouts from the northern side of the high road leading from Clayton to Westmeston.

(*b.*) An aqueduct conduit or line of pipes commencing at the well lastly herein-before described in the said arable field in the parish of Keymer and terminating in the parish of Ditchling in

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the county of Sussex by a junction with the existing aqueduct or conduit of the Limited Company at a point distant sixty feet or thereabouts measured in a straight line in a south-easterly direction from the north-eastern corner of the Slipe Barn in the field numbered 433 in the parish of Ditchling on the 25-inch ordnance map of the county of Sussex and distant twenty-five feet or thereabouts measured in a straight line in a southerly direction from the northern side of the said high road leading from Clayton to Westmeston.

Limits of lateral and vertical deviation.

41. In making the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet: Provided that where any work is authorised to be made in along or under any road the Company shall not deviate laterally from the line of such work shown on the deposited plans beyond the boundaries of such road.

Period for completion of works.

42. If the works authorised by this Act and shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging altering or renewing any of their engines machinery mains or pipes from time to time as occasion requires for supplying water within the limits of this Act.

Power as to maintenance and renewal of water-works.

43. 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 erect lay down provide and from time to time maintain improve and renew or discontinue additional waterworks wells cuts shafts mains pipes engines tunnels meters machinery and other works and apparatus and conveniences in connexion with or in addition to their existing waterworks and may do all such acts as they may think proper for storing and supplying water within the limits of this Act and may store and supply water accordingly.

Power to Company to acquire fee simple of lands held on

44. Subject to the provisions and for the purposes of this Act the Company may enter upon take and use and may purchase by compulsion or agreement the fee simple of all or any of the following lands held on lease by the Limited Company and defined on the

deposited plans and described in the deposited books of reference (that is to say):—

lease by Limited Company.

(*a.*) A piece of land numbered 555 in the parish of Ditchling on the 25-inch ordnance map of the county of Sussex now held on lease by the Limited Company and forming the site of a portion of their existing waterworks at Combe Bottom with the excavations pipes and appurtenances referred to in the said lease.

(*b.*) A rectangular piece of land lying to the westward of the last-mentioned piece of land now held on lease by the Limited Company containing a superficial area of two thousand three hundred and thirty-six yards or thereabouts and forming the site of the high-service reservoir of the Limited Company.

(*c.*) A strip of land six feet or thereabouts in breadth and one hundred and fifty feet or thereabouts in length now held on lease by the Limited Company and connecting the said piece of land numbered 555 in the parish of Ditchling with the rectangular piece of land lastly herein-before described.

Limitation of time for compulsory purchase.

45. The powers of the Company for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to acquire additional lands by agreement.

46. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act from time to time by agreement purchase in fee any additional quantity of land not exceeding in the whole five acres or any easement or right (not being an easement or right of water) in or over such additional lands which they may from time to time think requisite for any of the purposes of the undertaking: Provided that the Company shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their undertaking.

Power to take easements &c. by agreement.

47. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement (not being an easement of water) right or privilege required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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Provision as to labouring class houses.

48. 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 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 of such persons who may be residing with them.

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

49. The Company shall at the request of the owner or occupier of any house in any street in which any pipe of the Company is or shall be laid within the distance of fifty yards from such house or on the application of any person who under the provisions of this Act is entitled to demand a supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at any rate not exceeding the following rates:

(1.) Where the rateable value of the premises supplied does not exceed five pounds at a rate not exceeding fourpence per week:

(2.) Where such rateable value of the premises exceeds five pounds and does not exceed thirty pounds a yearly rate not exceeding ten pounds per centum per annum on the rateable value of such house or part of a house:

(3.) Where such rateable value (except as hereafter mentioned) exceeds thirty pounds a yearly rate not exceeding seven pounds ten shillings per centum on the amount of such rateable value:

(4.) Provided that all inns and hotels whether public or private shall be liable to a yearly rate not exceeding nine pounds per centum on such rateable value whether the same exceeds thirty pounds or not:

Provided always that the Company shall not be bound to supply any house or part of a house for any sum less than ten shillings per annum:

Provided that the Company shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any

premises occupied with a dwelling-house unless the water rate rent or charge is paid for the whole of such dwelling-house and premises.

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor.

Rates for watercloscts and baths.

50. In addition to the rates chargeable under the preceding section the Company may demand and receive for every watercloset in any house beyond one watercloset any sum not exceeding seven shillings and sixpence and for every bath supplied with water in or belonging to any dwelling-house any sum not exceeding fifteen shillings per annum.

Water for flushing sewers &c.

51. The Company shall when required supply every road authority and every sewer authority within the limits of supply with water for flushing sewers and drains or for watering streets or other public purpose at a rate not exceeding two shillings and sixpence for every one thousand gallons.

Constant supply and pressure.

52. 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 above or greater than that to be afforded by gravitation from the reservoir from which the supply is taken.

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

53. 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 may think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes: Provided that such supply for other than domestic purposes do not interfere with the supply for domestic purposes.

Regulations for preventing waste of water

54. The Company may from time to time make regulations for the purpose of preventing the waste or misuse or contamination of water and amongst other things may by such regulations prescribe the size nature materials workmanship and strength of the pipes cocks ferrules valves soil-pans watercloscts baths cisterns and other apparatus or receptacles whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or misuse or contamination.

Confirmation of regulations.

55. No such regulations shall be of any force or effect except within the district which the Company is bound to supply and does in fact supply with water under constant pressure and unless and

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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 supply 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.

Regulations subject to provisions of the Public Health Act 1875.

56. All such regulations shall be subject to the provisions contained in sections 182 to 184 both inclusive 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.

Publication of regulations.

57. All such regulations in force for the time being shall be published by a copy thereof being 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.

Evidence of regulations.

58. A printed copy of any such regulations dated and purporting to have been made as aforesaid 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.

For enforcing regulations.

59. In case of failure of any person to observe such regulations as are for the time being in force the Company may (notwithstanding any contract or otherwise) if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe valve cock cistern bath soil-pan watercloset or other apparatus or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them summarily.

Disputes to be determined by justices.

60. In the event of any dispute between the Company and any person as to the fact or extent of any alleged non-compliance with

any such regulations such dispute shall be referred to the determination of two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and as to the persons by whom such costs are to be paid shall be final and conclusive.

Company to pay interest on money deposited as security for meters &c.

61. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Notice to Company of putting up meters &c.

62. 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 any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Register of meter to be primâ facie evidence.

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

Fraudulently injuring meters &c.

64. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water supplied 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 be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage sustained by them and the Company may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damage is paid notwithstanding any contract then existing and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter: Provided always that the Company shall not discontinue the supply of water until the consumer has had three days notice of the intention to discontinue the supply and notwithstanding such notice he shall have refused or neglected to remedy the injury.

Notice before entry.

65. The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing under the hand

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of the secretary or other officer of the Company and shall be given or served in manner following (that is to say):—

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry:

If such premises be unoccupied and the owner thereof and his usual place of abode be in England and be known to the Company then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry:

If such premises be unoccupied and the owner thereof or his usual place of abode be not in England or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previous to such entry:

And for the purpose of this section any person receiving the rack-rent of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Company not to show undue preference in the supply of water.

66. In supplying water under the provisions of this Act the Company shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person persons or body in any respect whatsoever and shall not subject any particular person persons or body to any undue or unreasonable prejudice or disadvantage in any respect whatsoever and in case any difference shall arise between the Company and any person persons or body with respect to anything alleged to have been done or to have been omitted to be done contrary to the provisions of this section the same shall be settled by arbitration.

Arbitration clause.

67. Where any difference is by this Act directed to be settled by arbitration the same shall be settled by an engineer or other fit person nominated as arbitrator by the Board of Trade on the application of either of the parties to such difference and the decision of such arbitrator shall in all respects be final and conclusive and the fees of such arbitrator and all other expenses of the arbitration shall be borne and paid as he shall direct.

Several names in one warrant.

68. 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 names and several sums.

Cost of distress.

69. 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.

Liability to rates not to disqualify justices.

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

Incoming tenant not liable for arrears.

71. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent meter rent rate or charge 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.

Company not bound to supply several houses by one pipe.

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

Notice of discontinuance.

73. 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 principal office for the time being of the Company.

Penalties not cumulative.

74. Penalties imposed by several Acts for one and the same offence shall not be cumulative and for this purpose this Act and the Acts incorporated therewith shall be deemed several Acts.

Expenses of Act.

75. All the 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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