CHAPTER xlvi.

An Act to enable the Crowborough District Water Company to extend their limits of supply construct additional waterworks and for other purposes. [20th June 1899.] A.D. 1899.

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

And whereas there is no adequate or proper supply of water to Mayfield Groombridge and other places adjacent to the Company's area of supply and the Company is willing to afford such supply and it is expedient that the limits of supply of the Company should be extended and that the Company be empowered to construct the additional waterworks herein-after described:

And whereas the capital of the Company consists of thirty thousand pounds in three thousand shares of ten pounds each the whole of which has been subscribed and paid up and the Company has no debenture or mortgage debt:

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

And whereas it is expedient that the powers of the Company be enlarged and the Act of 1897 be extended and amended:

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

And whereas plans and sections showing the lines situation and levels of the waterworks authorised by this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the

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occupiers of the lands required or which may be taken for the purposes of or under the powers of this Act were duly deposited with the clerk of the peace for the county of Sussex and are herein-after referred to as the deposited plans sections and book 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 Crowborough District Water Act 1899.

Incorporation of general Acts.

2. The following Acts and parts of Acts namely :—

The Lands Clauses Acts ; and

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

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act :

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The consolidation of shares into stock ;

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

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as

amended by subsequent Acts shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised. A.D. 1899.

Interpretation.

3. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings.

Extension of limits of supply.

4. Subject to the provisions of this Act the Company may in addition to the parishes and places which they are by the Act of 1897 authorised to supply with water supply water to and within the following parishes (namely) The parish of Mayfield in the county of Sussex and so much of the parishes of Buxted Rotherfield Withyham Wadhurst and Frant in the county of Sussex and of Speldhurst in the county of Kent as are not comprised within the limits of supply defined by the Act of 1897 and are not within a radius of three miles drawn from the centre of the western door of the church of the Holy Trinity in Tunbridge Wells.

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

5. If at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in such part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Company as if in either case there were no company authorised by this Act to supply water therein If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Power to construct additional waterworks.

6. Subject to the provisions of this Act the Company in the lines and situation and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain in the county of Sussex the waterworks shown on the deposited plans and herein-after described together with all necessary drains pipes sluice-valves air-valves wash-outs junctions apparatus and other works and conveniences in

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connexion with or incidental to such waterworks and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose or for the purposes of this Act.

The principal waterworks herein-before referred to are the following :—

Work No. 1. A well or wells and pumping station in the parish of Rotherfield near Maynard's Gate :

Work No. 2. A reservoir at Cottage Hill in the parish of Rotherfield :

Work No. 3. A conduit or line of pipes commencing in Work No. 1 and terminating by a junction with the Company's authorised main in the road leading from Rotherfield to Jarvis Brook :

Work No. 4. A conduit or line of pipes commencing at the termination of the Company's authorised main in Rotherfield and terminating in Work No. 2 :

Work No. 5. A conduit or line of pipes commencing by a junction with Work No. 4 and terminating in High Street Mayfield.

Power to make subsidiary waterworks.

7. The Company in addition to the waterworks by the section of this Act whereof the marginal note is "Power to construct additional waterworks" authorised may subject to the provisions of this Act upon any lands acquired or to be acquired by them make and maintain all such cuts channels adits reservoirs catch-waters aqueducts culverts tunnels drains sluices filter-beds wells tanks approaches engines pumps machinery and appliances as may be necessary or expedient in connexion with the before-mentioned waterworks or for any purposes of their water undertaking.

Power to take waters.

8. Subject to the provisions of this Act the Company may by means of the works authorised by this Act collect impound take use divert and appropriate for the purposes of their water undertaking all such springs streams and waters as will or may be intercepted by the waterworks by this Act authorised or as may be found in or under any of the lands for the time being belonging to the Company or over or in respect of which they have or may acquire easements.

For protection of London Brighton and South Coast Railway Company.

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

(*a*) In laying down altering repairing or removing any mains pipes or conduits or in executing any other works in exercise

of the powers contained in this Act upon across over or under or in any way affecting the railways and works of the Brighton Company in the parishes of Mayfield and Rotherfield the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the Brighton Company and according to such plans and in such manner as shall be previously submitted and approved by him in writing or in the event of disapproval then in such manner as shall be determined by arbitration in manner herein-after provided :

(*b*) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the said engineer any portion of the said railways and works of the Brighton Company which may be interfered with and all such works shall be carried out so as to cause as little injury as may be to such railways and works and so as not to cause any interference with the passage or conduct of traffic thereover Provided nevertheless that if the engineer of the Brighton Company shall think it necessary for the safety of the railway that any works of the Company over under or in any way affecting the railways and works of the Brighton Company shall be done or carried out by the Brighton Company and shall notify such desire to the Company any such works shall be done or carried out by the Brighton Company at the cost of the Company :

(*c*) The Company shall bear and on demand pay to the Brighton Company all reasonable and proper costs of the superintendence by their engineer of the construction maintenance and renewal of the mains pipes conduits and other works of the Company over or under or in any way affecting the railways or works of the Brighton Company when the same are done or carried out by the Company and all proper costs of watching lighting and protection of the said railways during such construction maintenance and renewal but such superintendence by the Brighton Company shall not relieve the Company from liability for any accident which may be occasioned by or through the operations of the Company or by their contractors agents and workmen :

(*d*) If any injury or interruption of traffic shall arise from or be in any way owing to any of the works of the Company or to the bursting leakage or failure of any such mains pipes conduits or works the Company shall make full compensation to the Brighton Company in respect thereof :

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(*e*) The Company shall only be entitled to acquire such an easement across over or under any of the railways and property of the Brighton Company as may be necessary for the construction and maintenance of their works :

(*f*) The Brighton Company may at any time or times hereafter upon giving to the Company seven days notice thereof in writing signed by their said engineer and delivered at the principal office of the Company divert or alter the level of any main pipe or conduit of the Company passing over or under or in any way affecting the railways and works of the Brighton Company so as to admit of any repairs alterations or extensions of their railways and works which they may think necessary without being liable to pay compensation in respect thereof :

(*g*) Any dispute or difference which may arise between the Company and the Brighton Company with reference to the provisions of this section or in any way arising thereout or to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Company and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of either party.

For protection of East Sussex County Council.

10. No conduit or pipe shall be laid so that any part thereof shall be within two feet six inches of the surface of any road maintained by the county council but this clause shall not apply or be deemed to apply to any hydrant or valve boxes which may be constructed by the Company.

Limits of deviation.

11. In making the waterworks by this Act authorised the Company may deviate laterally 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 five feet upwards and seven feet downwards Provided that when any work is to be made on any road the limits of lateral deviation if not otherwise laid down shall be the boundaries of such road Provided also that no pipe or main shall be laid above the surface of the ground unless so shown on the deposited sections and then only to the extent so shown.

Company may acquire easements only in certain lands.

12. The Company in lieu of acquiring any lands for the purpose of the works by this Act authorised may acquire such easements and rights in under or over such lands as they may require for the purpose of constructing placing laying inspecting maintaining

cleansing repairing conducting or managing such works and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that except as to land forming part of a street nothing herein contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Company for the purpose of laying the conduits or pipes underground the Company shall not (unless they give notice to treat for and acquire such lands and not merely easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the work have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

Period for compulsory purchase of lands.

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

Period for completion of works.

14. If the waterworks shown on the deposited plans are not completed within seven 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 such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from renewing extending enlarging altering reconstructing or removing any of their works or plant at any time as occasion may require.

Power to take additional lands by agreement.

15. The Company may for the purposes of their undertaking acquire by agreement in fee simple in addition to lands which they are already authorised to hold under the powers of the former Acts or to take by compulsion under the powers of this Act any lands not exceeding in the whole five acres or any easement right or privilege therein thereunder or thereover (not

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being an easement right or privilege of water in which persons other than the grantors have an interest) but the Company shall not deal with such lands so as to create or permit the creation of a nuisance nor use any such lands for any buildings except buildings required for the undertaking of the Company.

Power to grant easements &c.

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

Sale of superfluous lands.

17. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Restriction on taking houses of labouring class.

18.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or 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 but have been or shall be subsequently so occupied.

(2) If the Company acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in

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the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "labouring class" means and 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.

Power to agree as to drainage of lands &c.

19. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the wells or works by this Act authorised or with the council of the district in which such lands are situate with reference to the execution by the Company or such owners lessees occupiers or council of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or indirectly into such wells or works.

New waterworks to form part of Company's undertaking.

20. The waterworks by this Act authorised shall for all purposes form and be part of the water undertaking of the Company and the provisions of the Act of 1897 shall apply thereto.

Company may apply moneys and raise additional capital.

21. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole twenty thousand pounds by the creation and issue at their option of new ordinary shares or new preference shares or wholly or partly by either of those modes which shares shall for all purposes form part of the general capital of the Company.

As to vesting of new shares.

22. The Company shall not issue any share created under the powers of this Act of less nominal value than ten pounds nor shall any such share vest in the person accepting the same unless and until a sum being not less than one-fifth of the amount of such share shall have been paid in respect thereof.

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Limit of dividend on new capital.

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 at the rate of 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 unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on such ordinary share capital which shall have fallen short of the said sum of seven pounds per centum per annum.

Dividends on different classes of shares to be paid proportionately.

24. In case in any year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

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

25. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act or created by the Company in lieu of money authorised to be borrowed under this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

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

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

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

27. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of the council of every district wholly or partly within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said districts.

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

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

Application of premium arising on issue of shares or stock.

29. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that in any case where a power to raise money by borrowing or to create an insurance fund is made proportionate to the paid-up capital the premium received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

Amendment of Act of 1897.

30. Section 12 of the Act of 1897 the marginal note of which is "Power to borrow" is hereby amended by the omission of the words "until the Company shall have completed the impounding reservoir (No. 1) by this Act authorised nor".

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Power to borrow in respect of additional capital.

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

Debenture stock.

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

Application of moneys.

33. All moneys raised under this Act whether by shares mortgages or debenture stock shall be applied to the purposes of the undertaking of the Company being in all cases purposes to which capital is properly applicable.

Public drinking fountains.

34. The Company may put up continue remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) in such public places as the Company may think fit and every person who shall wilfully use any water so gratuitously supplied elsewhere or otherwise than as hereinbefore mentioned or foul such water shall for every such offence be liable to a penalty not exceeding forty shillings which penalty may be recovered by the Company.

Costs of Act.

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

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