CHAPTER xcvii.

An Act for incorporating the Hailsham Water Company and for conferring powers upon them with reference to the construction of works the supply of water and for other purposes. [16th July 1885.]

A.D. 1885.

WHEREAS the parishes of Hailsham Arlington Hellingly and Herstmonceux all in the county of Sussex are at present inadequately supplied with water and it is expedient that provision be made for affording an adequate supply of pure and wholesome water to such portions thereof respectively as are included within the limits of this Act:

And whereas in the year one thousand eight hundred and eighty-four certain persons formed themselves into a company under the name of the Hailsham Water Company Limited with a nominal capital of ten thousand pounds in two thousand shares of five pounds each for the purposes amongst other things of affording a supply of water to the said parish of Hailsham and adjoining parishes and such company was registered under the Companies Act 1862:

And whereas the members of the limited company with others are willing at their own expense to afford a good and sufficient supply of water to such portions of the said parishes of Hailsham Arlington Hellingly and Herstmonceux as are included within the limits of this Act on the limited company being dissolved and the members thereof with others incorporated into a company with adequate powers for the purpose and it is expedient that they be incorporated accordingly and empowered to supply water and construct works as by this Act provided:

And whereas it is expedient that such other provisions be made with respect to the Company and their undertaking as are in this Act contained:

And whereas by the Eastbourne Waterworks Act 1881 the Eastbourne Waterworks Company were subject to the provisions of

A.D. 1885.

that Act authorised to supply water in (amongst other parishes) the parish of Hailsham and a contract or agreement made the twenty-eighth day of February one thousand eight hundred and eighty-one between the guardians of the poor of the Hailsham Union in the county of Sussex in their capacity of a rural sanitary authority for the rural union of Hailsham of the one part and the said Eastbourne Waterworks Company of the other part and set forth in the schedule to that Act was thereby confirmed and made binding on the said guardians and company and such contract or agreement was made conditional on the guardians obtaining the approval thereof by the Local Government Board which approval has not been obtained:

And whereas it is expedient and the said guardians and company are willing that the said contract or agreement be annulled and that the provisions of the said Eastbourne Waterworks Act 1881 confirming the same be repealed and that the powers of the said company to supply water within so much of the parish of Hailsham as is included within the limits of this Act should cease and determine as by this Act provided:

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

And whereas the objects 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 Hailsham Water Act 1885.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I (relating to cancellation and surrender of shares) 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 the Waterworks Clauses Acts 1847 and 1863 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied by this Act) incorporated with and form part of this Act Provided that the incorporated provisions

of the Railways Clauses Consolidation Act 1845 shall apply only to the reservoir by this Act authorised.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :—

The expression "the limited company" means the Hailsham Water Company Limited ;

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

The expressions "the waterworks" and "the undertaking" respectively mean and include the waterworks and the works connected therewith and the undertaking by this Act authorised ;

And for the purposes of this Act—

The expression "railway" in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act means the reservoir by this Act authorised and the expression "centre of the railway" in those provisions means any part of such reservoir and the prescribed limits shall be fifty yards from any part of such reservoir ;

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially 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.

Limits of Act.

4. The limits of this Act for the supply of water shall be the parishes of Hailsham (except so much thereof as lies within three-quarters of a mile and so much thereof as lies beyond five miles measured in every direction from the level crossing over the London Brighton and South Coast Railway adjoining the old station at Polegate) Arlington (except so much thereof as lies to the south of the Brighton and Hastings branch of the London Brighton and South Coast Railway) Hellingly and Herstmonceux (except so much thereof as lies beyond five miles measured in every direction from the said level crossing over the London Brighton and South Coast Railway) all in the county of Sussex and which limits are coloured red on a plan signed in duplicate by George Burrow Gregory Esquire M.P. the Chairman of the Committee of the House of Commons to whom the Bill for this Act was during its progress through Parliament referred copies of which plan have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons Provided that if in any parish within the limits

A.D. 1885.

the Company shall not have made adequate provision for the supply of water within five years from the expiration of the period hereinafter limited for the completion of the works the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of any such parish.

Company incorporated.

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

General purposes of the Company.

6. The Company shall be established for the purpose of making and maintaining the waterworks and for supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and generally for carrying the powers of this Act into execution.

Present property of limited company vested in Company incorporated by this Act.

7. Subject to the provisions of this Act all the lands waterworks 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 any wise entitled 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

8. 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.

limited company to be void without prejudice to remedies for antecedent breaches thereof.

9. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the limited company or the members thereof as such shall be as valid as if the Company had not been incorporated and the 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 everything so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes 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.

Nothing to affect previous rights and liabilities.

10. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the limited company or any trustees or persons acting on behalf of 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.

Contracts prior to Act to be binding.

11. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity which was pending by or against the limited company or any member

Actions &c. not to abate.

A.D. 1885.

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.

Trustees of limited company to be indemnified.

12. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the limited company were vested immediately before the 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.

13. 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 rents &c.

14. All water 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 debt owing before passing of Act.

15. 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.

16. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions 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.

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

Officers to continue until removed.

18. All officers and servants of the limited company who were in office immediately before the 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.

19. 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.

20. The capital of the Company shall be sixteen thousand pounds in one thousand six hundred shares of ten pounds each.

Vesting of old shares in present shareholders.

21. So many shares in the capital of the Company as are equal in nominal amount to the number of shares in the limited company issued up to the time of the passing of this Act shall be appropriated to and vested in the several persons who immediately before the passing of this Act were the registered members of the limited company in substitution for the existing shares in the limited company in the proportion of one share for every two existing shares and every share so vested shall be subject to the same liability for calls and subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the shares for

A.D. 1885.

which the same is substituted and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

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

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

Shares not to be issued until one-fifth part thereof shall have been paid up.

23. The Company shall not issue any share created under the authority of this Act nor shall any such share 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 is paid in respect thereof.

Calls.

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

Receipts in case of persons not sui juris.

25. 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.

26. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole four thousand pounds but no part thereof shall be borrowed until the whole capital of sixteen thousand pounds is issued and accepted and one half thereof 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 the whole of such capital has 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 that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and 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 shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

27. 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.

For appointment of a receiver.

28. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four hundred pounds in the whole.

Power to create debenture stock.

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

Moneys borrowed on mortgage or debenture stock to have priority.

30. 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 nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

A.D. 1885.

Application of moneys.

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

First and subsequent meetings.

32. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

Number of directors.

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

Qualification of directors.

34. The qualification of a director shall be the possession in his own right of not less than fifteen shares.

Quorum of directors.

35. The quorum of a meeting of directors shall be four when the number of directors exceeds four and two when the number does not exceed four.

First directors.

Election of directors.

36. James Pymar Billing Albert Burtenshaw William Strickland Holland Southerden Richard Vine Robert Clement Pritchard and Josiah John White 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 any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act 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.

Auditors need not hold shares.

37. It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Power to take lands.

38. Subject to the provisions and for the purposes of this Act the Company may enter upon take and use all or any of the lands defined on the deposited plans and described in the deposited books of reference.

A.D. 1885.

Power to make water-works.

39. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections and in and upon the lands described upon such plans the works herein-after described and may do the things by this Act authorised The works herein-before referred to and by this Act authorised to be made and maintained and the things by this Act authorised to be done comprise the following works and things (that is to say) :—

(1) A well and pumping station with pumping engines engine and boiler house and all other necessary works buildings and conveniences situate at Amberstone in the said parish of Hellingly in a field called Lower Brook belonging or reputed to belong to the Earl of Chichester and in the occupation of Mrs. Elizabeth Mannington lying on the north-west side of the high road leading from Hailsham to Herstmonceux and numbered 1025 on the $\frac{1}{2500}$ Ordnance map of the said parish of Hellingly ;

(2) An aqueduct conduit or line of pipes to be wholly situate in the said parishes of Hellingly and Hailsham or one of them commencing at the said well and pumping station above described and terminating in the reservoir next herein-after described ;

(3) A service reservoir to be situate in the said parish of Hellingly in the north-east corner of a wood called or known as Park Wood and numbered 938 on the said Ordnance map commencing at a point seventy yards or thereabouts from and to the south-westward of the south-eastern angle of the house known as Carter's Corner thence proceeding in a south-westerly direction for a distance of sixty-six yards or thereabouts thence proceeding in a south-easterly direction for a distance of fifty-five yards or thereabouts thence proceeding in a north-easterly direction for a distance of sixty-six yards or thereabouts and thence proceeding in a north-westerly direction for a distance of fifty-five yards or thereabouts to and terminating at the point of commencement above described ;

(4) In connexion with the waterworks or any of them to make and maintain and from time to time renew embankments walls dams filtering beds softening tanks sluices catch-pits conduits culverts drains channels pipes wells tanks engines buildings machinery roads approaches and other works and conveniences connected therewith or incidental thereto ;

(5) The taking collecting diverting impounding and using all or any underground springs and waters which can or may be collected by means of the said waterworks or as may be found

A.D. 1885.

in or under any lands to be acquired under the powers of this Act.

Lateral and vertical deviation.

40. 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 where the line of any work is shown upon those plans as passing along any road and no limits of lateral deviation are marked on the deposited plans the Company may in making such work deviate laterally to any extent within the boundaries of such road and the Company may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any extent not exceeding five feet Provided always that the Company shall not in the exercise of the powers of lateral deviation hereby conferred upon them construct any embankment or retaining wall of the reservoir by this Act authorised of a greater height above the general surface of the ground than the height of the corresponding embankment or retaining wall shown on the deposited sections.

Period for compulsory purchase of lands.

41. 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 after the passing of this Act.

Power to acquire additional lands by agreement.

42. 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.

Provision as to labouring class houses.

43. 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 mem-

bers 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.

Period for completion of works.

44. 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 to take easements &c. by agreement.

45. 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 right or privilege (not being an easement of water) 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.

Reservation of water rights &c. on sale.

46. On the sale by the Company of any lands they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Constant supply and pressure.

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

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

48 The Company shall at the request of any owner or any occupier of any dwelling-house or part of a dwelling-house in any street in which any pipe of the Company shall be laid or on the application of any person who under the provisions of this Act shall be 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 rates not exceeding the rates

A.D. 1885.

herein-after specified according to the rateable value of such dwelling-house or part of a dwelling-house (that is to say) :—

Where the rateable value of the premises so supplied with water shall not exceed seven pounds at a rate not exceeding twopence per week;

Where such rateable value shall exceed seven pounds and shall not exceed twenty pounds at a rate per centum per annum not exceeding seven pounds ten shillings;

Where such rateable value shall exceed twenty pounds and shall not exceed forty pounds at a rate per centum per annum not exceeding seven pounds;

Where such rateable shall exceed forty pounds and shall not exceed eighty pounds at a rate per centum per annum not exceeding six pounds ten shillings;

Where such rateable value shall exceed eighty pounds at a rate per centum per annum not exceeding six pounds;

Rates for waterclosets and private baths.

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond the first a sum of five shillings per annum and to every bath the sum of 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.

For preventing the fouling of water.

49. The Company shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

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

50. 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.

51. For the purpose of preventing the waste or misuse or contamination of water the Company may from time to time by regulations prescribe the size nature materials workmanship and

strength of the pipes cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus or receptacles whatsoever to be used and may 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.

52. No such regulations shall be of any force or effect in any part of the district in which the Company is not bound to afford and does not afford a constant supply nor unless and until the same shall have been submitted to and confirmed by the Local Government Board which board is 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 the local authorities within the limits of supply who may within the said period of one month make such representation with reference thereto to the Local Government Board as such authorities shall think expedient and during such period a copy of the proposed regulations shall be kept at the office of the Company and be open during office hours to the inspection of all persons locally interested without fee or reward and a copy thereof or extracts therefrom shall be furnished to such persons by the Company on payment of sixpence for every one hundred words contained in such copy or extract.

Publication of regulations.

53. 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.

54. A printed copy of any such regulations as aforesaid and purporting to be made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

For enforcing regulations.

55. In the event of any such regulations not being complied with by any person being or about to become a customer of the Company they may refuse to supply water or (as the case may be) may cut off the water supplied by them to him (notwithstanding any contract or otherwise) until the regulations are complied with Provided that except in cases of accident emergency or necessary repairs the Company shall not under this provision cut off the

A.D. 1885.

water supplied to any customer of the Company until after he has had twenty-four hours' notice in writing from the secretary or other officer of the Company of the intention of the Company to cut off the same and notwithstanding such notice he shall have refused or neglected to comply with such regulations.

Disputes to be determined by justices.

56. In the event of any dispute between the Company and any customer or intending customer 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 the amount of costs (if any) of or incident to such dispute and the determination thereof and by whom such costs are to be paid shall be final and conclusive.

Company may repair pipes of customer.

57. Where any person supplied with water by the Company after twenty-four hours' notice in writing under the hand of the secretary or other officer of the Company to alter or repair any pipe valve cock cistern or other apparatus in order that the water supplied to him by the Company shall not be wasted fails to alter or repair the same so as to prevent such waste the Company may alter or repair the same and their expenses in so doing shall be repaid to them by the person so failing as aforesaid and the Company may recover the same as damages and in addition to the penalty (if any) recovered for the offence.

Company's officer may enter building.

58. The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water by the Company in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

For preventing frauds and waste of water.

59. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act or wilfully fails to do anything which under this Act ought to be done for the prevention of waste misuse or undue consumption of water the Company may cut off the water supplied by them to him as long as the cause of injury remains or is not remedied and also may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

Company not bound to supply water in certain cases.

60. The Company shall not be compelled to supply any dwelling-house with water (otherwise than by agreement) where any part of such dwelling-house is used for any manufacturing purposes for which water is required.

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.

Entry on premises to cut off supply.

65. In all cases in which the Company are authorised to cut off the pipe or stop or discontinue the supply of water to any premises the Company their agents and workmen may for that purpose and after giving notice as herein-after provided enter into any premises through which such pipe or supply passes between the hours of nine in the forenoon and four in the afternoon.

A.D. 1885.

Notice before entry.

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

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

Incoming tenant not liable for arrears.

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

Recovery of sums due.

68. If any person fails to pay any water rent meter rent rate damages costs expenses or other sum due to or recoverable by the Company under this Act they may recover the same by proceedings in any court of competent jurisdiction or if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned) and any justice may issue his warrant accordingly and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent rate damages costs expenses or other sum.

Notice of discontinuance.

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

Contracts for supplying water for

70. The Company may from time to time enter into and carry into effect agreements with any sanitary authority company corpora-

tion public body officers or persons for the supply by the Company within the limits of this Act of water to any such sanitary authority company corporation public body officers or persons respectively whether in bulk or otherwise and for what purposes soever for use within such limits and the agreements respectively may be for such times and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit Provided that such supply of water do not interfere with the supply of water for domestic purposes within the limits of supply.

public purposes.

71. The contract or agreement made the twenty-eighth day of February one thousand eight hundred and eighty-one between the guardians of the poor of the Hailsham Union in the county of Sussex in their capacity of a rural sanitary authority for the rural union of Hailsham of the one part and the Eastbourne Waterworks Company of the other part set forth in the schedule to the Eastbourne Waterworks Act 1881 is hereby declared to be null and void and section 19 of that Act confirming the agreement is hereby repealed.

Annulling agreement between guardians of Hailsham Union and the Eastbourne Waterworks Company.

72. From and after the passing of this Act all the rights and powers of the Eastbourne Waterworks Company to supply water within so much of the parish of Hailsham as is included within the limits of this Act shall absolutely cease and determine and the Eastbourne Waterworks Act 1881 shall be read and have effect accordingly.

Cesser of powers of Eastbourne Waterworks Company to supply water in part of Hailsham.

73. 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.

Liability to water rent not to disqualify justices &c.

74. 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.

Contents of summons &c.

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

Costs of distress.

76. Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

Penalties not cumulative.

A.D. 1885.

Costs of Act.

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

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1885.