CHAP. cxix.

An Act for supplying Littlehampton and certain adjacent parishes in the county of Sussex with Water. A.D. 1870.

[14th July 1870.]

WHEREAS the construction of works for the supply of water to Littlehampton and its neighbourhood in the county of Sussex would be of public and local advantage:

And whereas the several persons in that behalf named with others are willing at their own expense to execute the undertaking:

And whereas plans and sections, showing the lines and levels of the proposed works and the lands to be taken for the purposes thereof, and a book of reference to those plans, containing the names of the owners and lessees or reputed owners and lessees and occupiers of those lands, have been deposited with the clerk of the peace for the county of Sussex:

And whereas the objects of this Act cannot be attained 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:

1. This Act may be cited for all purposes as "The Littlehampton Water Act, 1870." Short title.

2. "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act. Provisions of Acts hereinnamed incorporated.

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 some- Interpretation of terms.

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thing in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the Local Board" means the Local Board of Health for the district of Littlehampton; the expression "the undertaking" means the waterworks by this Act authorised; 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 common 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 comprise the parishes of Leominster, Rustington, and Littlehampton, in the county of Sussex.

Company incorporated.

5. William Henry Wilson, George Francis Carlyon Simmons, Francis Jones Heseltine, John Wilson Theobald, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a Company for the purpose of making and maintaining the waterworks, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Littlehampton 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.

Power to make works according to deposited plans.

6. Subject to the provisions of this Act the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the works herein-after described, 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; provided always, that notwithstanding what is delineated on the deposited plans the Company shall not take, use, abstract water from or diminish the supply of water to, or otherwise interfere with the pumps and wells in the town of Littlehampton. The works herein-before referred to and authorised by this Act are:

A well or shaft, with engines, or other works, which will be situate at Knucker or Knuckle Hole, in or upon a field in the parish of Leominster or Lyminster, belonging or reputed to belong to Thomas Duke, and numbered 250 in the tithe map of the said parish:

A service reservoir immediately contiguous to the said Knucker or Knuckle Hole, and situate in or upon the same field, as above described:

A conduit or line of pipes commencing at the said reservoir and terminating in the town and parish of Littlehampton at a point in the Arundel Road immediately opposite the south-west corner of the Congregational Chapel, which said conduit or line of pipes will pass from, through, or into the following parishes: Leominster or Lyminster, Rustington, and Littlehampton, or some or one of them:

A service reservoir in or upon a field, in the parish of Littlehampton, belonging or reputed to belong to His Grace the Duke of Norfolk, and numbered 209 on the tithe map of the said parish.

Capital.

7. The capital of the Company shall be ten thousand pounds in one thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

8. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person 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.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call, and three 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 year upon any share.

Power to borrow on mortgage.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole two thousand five hundred pounds, but no part thereof shall be borrowed until the whole capital of ten thousand pounds is subscribed for, 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 subscribed for, 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 subscribers or their assigns, and that such subscribers or their 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.

Arrears may be enforced by appointment of a receiver.

11. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest due on their mortgages by the appointment of a receiver; and in order to

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authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two hundred and fifty pounds in the whole.

Application of moneys.

12. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Number of directors.

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

Quorum.

15. The quorum of a meeting of the directors shall be three, and if the number of directors be reduced to three the quorum shall be two.

Qualification of directors.

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

First directors; election of directors.

17. William Henry Wilson, George Francis Carlyon Simmons, Francis Jones Heseltine, John Wilson Theobald, and such one other duly qualified person as they or the majority of them shall nominate in this behalf, 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 place 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 powers 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 in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

18. The Company may from time to time purchase by agreement for the purposes of this Act any quantity of land or any easements (not being a right of water in, over, or affecting any land) which they may think requisite, provided that such land shall not exceed two acres, in addition to the land which they are by this Act authorised to take by compulsion.

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Period for compulsory purchase of lands.

19. 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 two years from the passing of this Act.

Period for completion of works.

20. The works shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for making the works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed: Provided always, that, subject to the restrictions and provisions of this Act, the Company may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, mains, pipes, in such way and manner as they may consider requisite or advisable for supplying water within the limits of this Act.

Owners may grant easements.

21. Subject to the provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," the persons by the first-mentioned Act authorised to sell and convey or release lands shall have full power to grant to the Company any easement (not being an easement of water), liberty, or privilege in, or over, or affecting any lands authorised to be taken by this Act, and the provisions of "The Lands Clauses Consolidation Act, 1845," as amended by "The Lands Clauses Consolidation Acts Amendment Act, 1860," with reference to the purchase of lands by agreement, shall extend to the purchase by agreement of easements, liberties, and privileges in or over lands.

Deviations.

22. In making the works by this Act authorised the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans, and vertically to any extent not exceeding three feet; provided that where any work is to be made in any road the limits of lateral deviation, if not otherwise shown on the deposited plans, are the boundaries of the road.

Provision for making good to the Duke of Norfolk and his tenants of certain lands and premises any loss of water occasioned by the acts of the Company and for compensation.

23. And whereas it is apprehended that, in and by the exercise by the Company of the powers of this Act or the Acts incorporated herewith conferred upon them, certain lands and tenements now belonging or reputed to belong to the most noble Henry Duke of Norfolk, situate in the parish of Leominster otherwise Lyminster, in the county of Sussex, and in the occupation of his tenants, (which lands respectively are designated on the Tithe Commutation Map of the said parish by the numbers 196, 197, 198, 210, 211, 219, 220, 221, 306, and 491,) will or may be prejudicially affected by the withdrawal or diminution of the water supplied to the same premises respectively by means of wells now existing thereon, and it is expedient that provision should be made for making good any such loss of water: Therefore if, and when, and so often as on complaints

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made to the Company by the said Duke of Norfolk, or by the owner for the time being of any of the said lands and tenements, it shall be admitted by the Company, or be ascertained by the referee to be appointed as herein-after provided, that the supply of water to such premises has been or is being taken away or diminished by reason or in consequence of the execution of the works hereby authorised or the exercise of the said powers, the Company shall forthwith proceed at their own cost to make good and permanently restore and maintain the supply of water to such premises, to the extent of the present consumption of such water, in the manner and by the means which shall be approved by and be satisfactory to the said owner, or as in case of difference shall be directed and approved by the referee appointed as herein-after provided, and in each case of any such reference being required by either party the referee, unless agreed upon, shall be a person named, on the application of either party, by the president for the time being of the Institution of Civil Engineers, and every referee so appointed shall have all the usual powers of an arbitrator, including the right to proceed ex parte in case of default of either party to appear and proceed after reasonable notice, and shall direct and award what if anything shall be done by the Company in order to make good and permanently restore and maintain such supply of water to the premises in respect of which the reference shall be made, and may fix the limit of time for doing what shall be so directed, and he shall also, if so required, settle and fix the amount of compensation if any for the loss or damage which may have been or may be sustained by the said Duke of Norfolk or the owner for the time being or his tenant or tenants by reason of the loss or diminution of such water supply until the same shall be made good and restored, and whenever it shall appear to the referee that any such loss or damage has been or will be sustained the costs of and incident to any such reference (the amount of which shall be settled by him) shall be paid by the Company to the said Duke or owner for the time being; and if the Company shall not execute the works or do the acts directed by the referee to be done within the time limited by the award for that purpose, or, if no time be limited, with due diligence and in a reasonable time, the said Duke or owner for the time being shall be entitled to recover damages against the Company by action, to be brought in any court of competent jurisdiction, and so from time to time as and when and so long as such default shall continue: Provided that nothing in this enactment contained shall be construed as preventing the said Duke or owner for the time being of any of the said premises from claiming, if he shall so think fit, compensation for the permanent or occasional loss or diminution

of the water supply to his premises, instead of requiring the Company to make good and restore the same as herein-before provided, and every such claim if and when made shall be settled in the manner provided by "The Lands Clauses Consolidation Act, 1845," as respects cases of disputed compensation, and the loss or diminution of the water supply as aforesaid shall in each such case be deemed to be an injurious affecting of the land damnified thereby within the meaning and intent of that term as used in the said last-mentioned Act.

Supply of water under pressure.

24. The Company shall provide a constant supply of water at such a pressure as can be afforded by their reservoirs, and they shall also provide a sufficient supply of water, which need not be constant, at such a pressure as will reach the fourth floor of all houses within the limits of this Act.

Supply of water to tenements in a row.

25. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Company to any other such tenement, unless the tenant or occupier be, in respect of the tenement so occupied by him, rated under this Act for a supply of water, and every person so taking or using water, or allowing the same to be used contrary to the provisions of this Act, shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Rates for supply of water for domestic purposes.

26. The Company shall, at the request of every person entitled under this Act to demand a supply of water, furnish to the owner or occupier of every dwelling-house or part of a dwelling-house to which the request relates, within the limits of this Act, a sufficient supply of wholesome water for the domestic purposes (including one watercloset) of every such owner or occupier at any rate not exceeding the following rates; (that is to say,)

Where the rateable value of the premises supplied as shown by the poors rate assessment does not exceed five pounds, at a rate not exceeding twopence per week:

Where such rateable value of the premises shall exceed five pounds and not exceed thirty pounds, a yearly rate not exceeding seven pounds ten shillings per centum on the rateable value of such house or part of a house:

Where such rateable value shall (except as hereafter mentioned) exceed thirty pounds, a yearly rate not exceeding six pounds per centum on the amount of such rateable value:

Provided that all inns and hotels, whether public or private, the rateable value of which exceeds five pounds shall be liable to a rate not exceeding seven pounds ten shillings on the amount of such rateable value whether the same exceeds thirty pounds or not.

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Rates for waterclosets and baths.

27. The Company may charge in any one year in respect of the first bath supplied with water in or belonging to any dwelling-house the sum of ten shillings, and in respect of every watercloset beyond the first and of every bath beyond the first the sum of five shillings.

Water for flushing sewers, &c.

28. The Company shall, when required, supply the Local Board with water for flushing sewers and drains or for watering streets or other public purpose at a rate not exceeding sixpence for every thousand gallons.

Rates for supply to shipping.

29. The Company from time to time may demand and take from all persons requiring or taking any supply of the Company's water for the purpose of shipping any sums not exceeding one shilling for the first one hundred gallons or any quantity less than one hundred gallons, and sixpence for every additional one hundred gallons or any additional quantity less than one hundred gallons so supplied, and may require payment for the same in advance.

Water for other than domestic purposes.

30. The Company may supply any person with water for other than domestic purposes for such remuneration and on such terms and conditions as are agreed on between the Company and the person desirous of having the supply: Provided always, that the Company shall not supply water for other than domestic purposes if the same shall in any way interfere with the proper supply of water for domestic purposes as by this Act authorised.

Supply of water by meter.

31. Every person entitled to have a supply of water may if he thinks fit have the same supplied by meter (at such rate not exceeding one shilling for every thousand gallons) as may be agreed on between him and the Company; provided that the meters shall be fitted and adjusted to the satisfaction of the Company.

Power for Company to make regulations for preventing waste of water.

32. Subject to the provisions of this Act the Company may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and among other things may prescribe that the pipes, cocks, cisterns, and other apparatus used shall be proper and suitable for the purposes of the supply.

Power for Company to refuse supply where regulations not complied with.

33. In the event of any such regulations not being observed by any person having or requiring a supply of water the Company may refuse to supply water or may cut off the water supplied to him unless and until the regulations be complied with, and if and whenever any difference shall arise as to whether the regulations are reasonable or have been complied with the difference may be referred by either party to, and shall be settled by, two Justices.

For preventing waste of water.

34. The Company shall not be compellable to supply with water any watercloset or private bath or the apparatus connected therewith

unless the same be made to the satisfaction of the Company, and used so as to prevent the waste or undue consumption of water.

Penalty for using water for other than domestic purposes.

35. Every person using for other than domestic purposes any water of the Company, without having previously agreed with them for a supply of water for other than domestic purposes, or any person using for any purpose other than the purposes so agreed, or any water so supplied by the Company, shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Incoming tenant not to be liable to pay arrears of water rates.

36. In case any consumer of the water of the Company shall leave the premises where such water has been supplied without paying to the Company the rate due from him to the Company, the Company shall not be entitled to require from the next tenant of such premises the payment of arrears left unpaid by the former tenant, unless such incoming tenant shall have agreed with the former tenant to pay or exonerate him from the payment of such arrears, but the Company shall supply water to such incoming tenant upon the usual terms and conditions upon being required by him so to do.

Undisputed rates may be recovered by distress.

37. All rates and sums due to the Company, and all damages, costs, and expenses by this Act directed to be paid, and the amount whereof respectively is not disputed, may be levied by distress after the defaulter has been duly summoned, and any justice on application by the Company may and shall issue his warrant accordingly.

Costs of distress.

38. Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of the rate or sum shall be paid by the person liable to pay the rate or sum, and the costs may be ascertained by the justice and may be included in the warrant of distress for the recovery of the rate or sum.

Several names in one warrant.

39. Any number of names and sums may be included in any warrant of distress or notice obtained or given by the Company for any of the purposes of this Act, and may be stated either in the body of the warrant or notice or in the schedule thereto.

Liability to rates not to disqualify justices.

40. No justice or judge of any county court shall be disqualified for acting in the execution of this Act by reason of his being liable to any rate or sum under this Act.

Penalties not cumulative.

41. Penalties imposed on the Company by several Acts for one and the same offence shall not be cumulative, and for this purpose this Act and each of the several Acts incorporated therewith shall be deemed a separate Act.

Company to sell works and under-

42. If at any time after two years from the day on which the Company commence to supply water the Local Board shall desire to

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taking to local board on request.

purchase the works, lands, mains, and undertaking, and the property connected therewith, of the Company, and shall give to the Company six months notice of such desire in writing by their Clerk, the Company shall sell their lands, works, mains, and undertakings, and property connected therewith, and all their right and interest therein, to the Local Board, and the Local Board shall purchase the same from the Company for such sum, and upon such terms and conditions as may be agreed on between the Local Board and the Company, and, failing such agreement, as may be determined by arbitration in the manner provided by "The Lands Clauses Consolidation Act, 1845," for settling by arbitration questions of disputed compensation for land; and for the purposes of this Act the lands, works, mains, and undertaking of the Company, and property connected therewith, shall be deemed to be included in the term "land" in the said Act, and upon such sale being completed, and upon the execution by the Company of a conveyance duly stamped, wherein the purchase money shall be truly stated, the estate and interest of the Company in the said lands, works, mains, undertaking, and property connected therewith shall vest in and belong to the Local Board.

Company to wind up their affairs.

43. When their undertaking shall be so transferred as aforesaid the Company shall proceed to wind up their affairs, and in order thereto shall, subject to the payment, satisfaction, and discharge of all their debts, contracts, and liabilities, pay their net moneys to and among the several persons and corporations who shall then be the registered shareholders of the Company, in proportion to their respective shares of the capital, and when their said affairs shall be so wound up the Company shall be dissolved.

Expenses of Act.

44. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the Company.

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