CHAPTER xxxiii.

An Act to empower the North Sussex Gas Company to supply water in certain parishes in Sussex and to confer further powers upon that Company. [22nd June 1906.]

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WHEREAS the North Sussex Gas Company (in this Act referred to as "the Company") were incorporated by the North Sussex Gas Act 1905 (in this Act referred to as the Act of 1905) for the supply of gas to the parishes of Billingshurst Wisborough Green Slinfold and Kirdford in the county of Sussex:

And whereas gasworks have been erected by the Company on a site more convenient than that referred to in the schedule to the Act of 1905 and it is expedient that the Company should be authorised to maintain such gasworks and manufacture gas on the lands described in the schedule to this Act:

And whereas there is no proper or adequate supply of water within the limits of supply of the Company and such supply being much needed the Company is willing to undertake the same and it is expedient that the Company should be authorised to construct the waterworks as by this Act provided and that such other powers as are in this Act contained should be conferred on them for the better and more effectually carrying the purposes of this Act into effect:

And whereas it is expedient that the name of the Company should be changed and that the capital of the Company should be increased for the purposes of this Act:

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and the lands which may be taken for the purposes thereof and also a book of

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reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been 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 book of reference:

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 King'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:—

Part I.

Preliminary.

Short title.

1. This Act may be cited for all purposes as the North Sussex Gas and Water Act 1906.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) Part I. (relating to cancellation and surrender of shares) Part III. (relating to debenture stock) and Part IV. (relating to change of name) of the Companies Clauses Act 1863 as amended by subsequent Acts 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").

Interpretation.

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

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings;

The expression "the Company" means the Company incorporated by the Act of 1905 and under the provisions of this Act to be known as the North Sussex Gas and Water Company;

The expression "the Act of 1905" means the North Sussex Gas Act 1905;

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.

Part II.

Gas.

Powers as to construction and maintenance of gasworks.

4. Subject to the provisions of this Act the Company may on the lands described in the schedule to this Act erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers manufactories condensers scrubbers exhausters purifiers gasholders tanks receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may sell supply and deal in coke tar and all other products or residuum of any materials employed in or resulting from the manufacture of gas Provided that the Company shall not upon the lands described in the schedule to this Act manufacture any residual products Section 21 of the Act of 1905 and the schedule to that Act are hereby repealed.

Part III.

Water.

Limits of Act.

5. The limits of this Act for the supply of water shall be the limits authorised by the Act of 1905 for the supply of gas.

Power to local authority to supply water in case Company fail to supply.

6. If at any time after the expiration of five years from the passing of this Act the Company are not furnishing or prepared on demand to furnish a proper and sufficient supply of water in accordance with the provisions of this Act in any parish within the limits of supply the local authority of the

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district in which such parish is situate may provide a supply in the whole or any 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.

General purposes of Company.

7. The general powers of the Company shall be extended so as to include the making and maintaining of waterworks and the supply of water and carrying on the business usually carried on by water companies and generally carrying the powers of this Act into execution.

Power to make works.

8. Subject to the provisions of this Act the Company may wholly in the county of Sussex upon the lands delineated on the said deposited plans and in the lines and situations and according to the levels shown on the said deposited plans and sections make and maintain the following works shown on the said deposited plans (that is to say) :—

Work No. 1 A well and pumping station to be situate in a field in the parish of Billingshurst numbered 892 on the Ordnance map (scale $\frac{1}{2500}$) of that parish (published 1897) :

Work No. 2 A service reservoir to be situate in a field in the parish of Billingshurst numbered 38 on the said Ordnance map :

Together with all proper wells shafts drifts adits engines pumps machinery buildings pipes conduits sluices stand-pipes tanks embankments culverts drains approaches and other works and conveniences ancillary or subsidiary thereto or connected therewith and may enter upon take and use such of the lands described in the deposited plans and book of reference as they may require for the purposes of this Act and may take use and appropriate for the purposes of the works and undertaking of the Company all waters found in on or under any of the lands shown upon the deposited plans and for the time being belonging to the Company.

Limits of lateral and vertical deviation.

9. In constructing the works authorised by this Act the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown and defined thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or 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 and except for the purposes of crossing over a stream no pipe or main shall be laid above the general surface of the ground unless so shown on the deposited sections and then only to the extent so shown.

Period for compulsory purchase of lands.

10. 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 of this Act.

Period for completion of works.

11. The works by this Act authorised 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 said works or otherwise in relation thereto shall cease 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 alter renew enlarge and extend their engines machinery tanks wells shafts adits pipes and other works in such manner and to such extent as they may think requisite or advisable for supplying water within the limits of this Act.

Power to owners to grant easements &c.

12. 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 parties 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.

Purchase of lands by agreement.

13. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purpose of

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preventing the fouling of the water of any spring or stream directly or indirectly connected with the water supply of the Company and for the general purposes of their undertaking any lands in or near the area included in the limits of supply not exceeding in the whole ten acres in extent or any easement (not being an easement or right of water in which other parties than the grantors have an interest) in over or under any such lands Provided that the Company shall not sink drive construct or use any well drift or adit upon any such lands without the consent of the owner thereof or create or permit any nuisance thereon and that no works or buildings shall be erected on such lands except such as are required for or are connected with the purposes of the Company's waterworks.

Power to agree as to drainage of lands.

14. 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 and other 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 or occupiers 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 or upon or from such lands directly or derivatively into such wells and works.

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

15. The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):—

Where the rateable value of the premises so supplied does not exceed five pounds per annum the sum of eight shillings and eightpence per annum;

Where such rateable value exceeds five pounds but does not exceed twenty pounds per annum the rate of ten pounds per centum per annum upon such value;

Where such rateable value exceeds twenty pounds but does not exceed forty pounds the rate of nine pounds per centum per annum upon such value;

Where such rateable value exceeds forty pounds but does not exceed sixty pounds the rate of eight pounds per centum per annum upon such value;

Where such rateable value exceeds sixty pounds but does not exceed eighty pounds the rate of seven pounds per centum per annum upon such value;

Where such rateable value exceeds eighty pounds the rate of six pounds per centum per annum upon such value:

Provided always that the Company shall not be compellable to afford a supply of water for domestic use to any such house for any less sum than eight shillings and eightpence per annum Provided further that the Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable.

Owners compounding for the payment of rates in respect of a supply for domestic purposes to three or more houses whether occupied or not shall be allowed an abatement of ten per centum on the rates hereby prescribed.

When the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

For the purposes of this section the rateable value shall be the net 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.

In addition to the rates computed as above specified the Company may demand and take for the supply of water—

For every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act a sum not exceeding five shillings per annum and for every fixed bath capable of containing

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not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Company may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Charges for supply of water for other than domestic purposes.

16.—(1) The Company may supply water within the limits of this Act for purposes other than domestic purposes by meter or otherwise and on such terms pecuniary or otherwise and subject to such conditions as shall be agreed on between the Company and the person requiring the supply and the moneys payable for the supply shall be water rates and recoverable accordingly.

(2) The Company shall not be bound to supply with water otherwise than by measure any building used partly by the same occupier as a dwelling-house and partly as a shop or warehouse or for any trade or manufacturing purpose for which water is required or any swimming bath hospital hydropathic or large public institution.

(3) Where a water supply to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof.

(4) The Company shall not charge a higher rate than two shillings per thousand gallons for any supply by meter given under this section with a minimum payment of at least eight shillings a quarter.

Contracts for supplying water in bulk.

17. The Company may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company or persons respectively and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

Rate payable by owners for small houses.

18. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Byelaws for preventing waste &c. of water.

19.—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Company is bound to afford and does in fact afford or is prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 shall apply to all byelaws so made as if the Company were a local authority within the meaning of those sections.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

Company to keep meters in repair.

20. The Company shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water and in default of their so doing

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the consumer shall not be liable to pay rent for the same during such time as such default continues The Company shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Register of meter to be evidence.

21. Where the Company supply water by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity consumed and in respect of which any water rate is charged and sought to be recovered by the Company Provided always that if the Company and the consumer differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Power for Company to supply materials.

22. The Company may if requested by any person supplied or about to be supplied by them with water provide and furnish to him and from time to time repair or alter but shall not manufacture any such meters pipes valves cocks baths soil-pans waterclosets boilers cisterns fountains filters fittings apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Power to remove meters and fittings.

23. The Company by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Notice to Company of

24. Before any person connects or disconnects any meter by means of 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 all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Connexion or disconnexion of meters.

25. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter instrument or fittings belonging to the Company or who fraudulently alters the index to any meter. or prevents any meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Injuring meters.

26. The Company may on the application of the owner or occupier of any premises within the limits of this Act abutting

Power to lay pipes in

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streets not dedicated to public use.

on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

PART IV.

CAPITAL.

Increase of capital.

27. Section 7 (Capital) of the Act of 1905 is hereby amended by the insertion of the words "twenty-four" instead of the word "twelve" and the words "four thousand eight" instead of the words "two thousand four" therein.

Increase of borrowing powers.

28. Section 10 (Power to borrow) of the Act of 1905 is hereby amended by the insertion of the word "eight" instead of the word "four" therein.

Additional capital may be raised by ordinary or preference shares or stock.

29. The Company may raise the additional capital authorised by this Act by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively but the holders of such shares or stock shall not be entitled to a preferred interest of more than six per centum per annum.

PART V.

MISCELLANEOUS.

Change of name of Company.

30. The name of the Company is hereby changed and hereafter the Company shall be called and known as "The North Sussex Gas and Water Company."

For protection of Horsham Rural District Council.

31. The provisions of section 24 of the Act of 1905 (For protection of Horsham Rural District Council) shall apply to this Act and to the gasworks and waterworks authorised by this Act as if the same were herein incorporated.

Notice of discontinuance.

32. 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 or sent by post to the office for the time being of the Company. A.D. 1906.

Several sums in one summons or warrant.

33. 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 sums.

Justices not disqualified for liability to water rates.

34. 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 rate rent or charge under this Act.

Costs of Act.

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

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The SCHEDULE referred to in the foregoing Act.

Gas Lands.

All that piece or parcel of land part of Little Gillman's Farm situate in the parish of Billingshurst and having a frontage to the road leading from Parbrook to the Billingshurst Railway Station of 80 feet or thereabouts and having an average depth of 400 feet or thereabouts which said piece of land is now in the occupation of the Company and forms part of the field numbered 892 on the 25-inch Ordnance map of the parish of Billingshurst.

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