CHAPTER cxcvii.

An Act for incorporating the West Worthing Waterworks and Baths Company and for vesting the West Worthing Waterworks and Baths in that Company and for other purposes. [28th July 1884.] A.D. 1884.

WHEREAS Gabriel Samuel Brandon and Horatio Brandon (herein-after referred to as the proprietors) are or claim to be the owners in fee simple of the piece of land in the parish of Heene in the county of Sussex herein-after particularly described with the waterworks and baths thereon which are commonly known as the West Worthing Waterworks and Baths:

And whereas the said waterworks were constructed several years ago for supplying the district of West Worthing in the said parish of Heene with water and have hitherto been restricted to that purpose:

And whereas it would be of public and local advantage if the waterworks were enlarged and the supply of water extended to other parts of the parish of Heene and to the parish of West Tarring in the county of Sussex and subject to the provisions of this Act to so much of the parish of Broadwater in the same county as is herein-after described which are now very inadequately supplied:

And whereas the proprietors with other persons are willing to provide a better supply of water to the said places on being incorporated into a company with the necessary powers for that purpose and it is expedient that they be incorporated accordingly and that the existing waterworks and baths be vested in the Company so to be incorporated (herein-after referred to as the Company) in manner herein-after provided and that the Company be empowered to carry on and maintain or extend the same as herein-after provided:

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

A.D. 1884.

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the West Worthing Waterworks and Baths Act 1884.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Parts I. and III. of the Companies Clauses Act 1863 (relating respectively to cancellation and surrender of shares and to debenture stock) the Lands Clauses Consolidation Act 1845 (except such of the provisions thereof as relate to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) 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.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the undertaking" means the undertaking by this Act vested in the Company and by this Act authorised or any part thereof 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 and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Company incorporated.

4. Gabriel Samuel Brandon and Horatio Brandon and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of supplying water within the limits of this Act and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The West Worthing Waterworks and Baths Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to carry on the said undertaking and to purchase hold and dispose of lands and other property for the purposes of this Act.

A.D. 1884.

Waterworks &c. to vest in the Company.

5. The piece or parcel of land situate in the parish of Heene bounded on the north by land belonging or reputed to belong in part to Charles Eley in part to Messrs. Lephard and Mills and in part to the West Worthing Commissioners on the east by Heene Mews on the south by Heene Terrace and on the west by Heene Road with the waterworks and baths erected and being thereon and all rights and easements thereto belonging and except the new mains herein-after mentioned all mains and pipes stock plant hydrants plugs meters syphons engines machinery apparatus matters and things appurtenant to and connected with the said waterworks and baths which immediately before the passing of this Act were the property of the proprietors together with the benefit of all contracts and agreements with reference to the supply of water and the use of the baths entered into by or on behalf of the proprietors and in force at the time of the passing of this Act shall be and are hereby vested in the Company to be held and enjoyed by them free as between them and the proprietors from all incumbrances obligations debts and liabilities upon or affecting the same (save as herein-after provided) but otherwise subject thereto.

Former deeds bonds contracts &c. to remain in force.

6. All deeds bonds contracts and other acts and things done made executed or entered into prior to the passing of this Act in respect of the undertaking by or with the proprietors or by or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding in all respects in favour of or with reference to the Company and may be enforced as fully and effectually as if instead of the proprietors or any of them the Company had been a party thereto.

Actions &c. not to abate &c.

7. Nothing herein contained shall release discharge or suspend any action suit or other proceeding at law or in equity pending by or against the proprietors or either of them in respect of the undertaking but the same may be maintained prosecuted or continued by 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 against the proprietors or either of them.

Provision as to the payment of water rates &c. now due.

8. All water rates and rents which immediately before the passing of this Act were due and accruing due to the proprietors in respect of the undertaking shall be payable to and may be collected and received by the Company in like manner as the water rates or rents by this Act authorised to be taken. Provided always that the Company shall pay to the proprietors all such rates or rents which had accrued due before the passing of this Act and a proportionate part up to the passing of this Act of any such rates or rents

A.D. 1884.

received by the Company in respect of the supply of water during any period commencing before and terminating after the passing of this Act.

Provision as to the payment of existing debts.

9. All persons who immediately before the passing of this Act owed any sum of money to the proprietors or to any person on their behalf in respect of the undertaking shall pay the same with interest (if any) due or to accrue due for the same to the Company and all debts and moneys which immediately before the passing of this Act were due or owing by or recoverable from the proprietors in respect of the undertaking or for the payment of which they are or but for this Act would be liable shall be paid with all interest (if any) due or to accrue due thereon by or be recoverable from the Company.

Capital.

10. The capital of the Company shall be sixty thousand pounds in six thousand shares of ten pounds each of which three thousand five hundred shares (herein-after referred to as "the vested shares") in the capital of the Company shall be and are by this Act vested in the said proprietors in substitution for their right title and interest to and in the undertaking immediately prior to the passing of this Act and shall be deemed to be fully paid up and the names of the proprietors shall be entered in the register of shareholders accordingly as the persons entitled to such shares and the Company shall cause a certificate or certificates of the proprietorship thereof to be delivered to the proprietors without fee or reward.

Company to take over certain mains and works.

11. Immediately after the passing of this Act the Company shall purchase or take over all new mains and other works upon which capital has been expended which have been laid down constructed or fixed by the proprietors since the month of June 1883 at the actual cost of providing laying down constructing or fixing the same.

Shares not to be issued until one-fifth paid.

12. Save and except the vested shares the Company shall not issue any share created under the authority of this Act nor shall any 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.

13. 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-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Limiting amount of dividend.

14. The amount of dividend to be paid on the shares in the capital created under this Act other than the vested shares shall not exceed seven pounds per centum per annum.

A.D. 1884.

As to votes in respect of vested shares.

15. At all general meetings of the Company (including meetings called in pursuance of the standing orders of either House of Parliament) the proprietors notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 shall not be entitled to any greater number of votes in respect of the vested shares or of such of them as for the time being shall remain registered in the names of the proprietors than one-fourth of the aggregate number of votes to which the holders of shares of the Company other than the vested shares attending and voting at any such meeting shall be entitled.

Receipt in case of persons not sui juris.

16. 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.

17. The Company may at any time after the passing of this Act and from time to time borrow on mortgage of the undertaking in respect of the capital represented by the vested shares any sum or sums not exceeding in the whole eight thousand seven hundred and fifty pounds and the Company may from time to time borrow on mortgage in respect of the remaining twenty-five thousand pounds of their capital any sum or sums not exceeding in the whole six thousand two hundred and fifty pounds and of that last-mentioned sum they may borrow from time to time not exceeding one thousand two hundred and fifty pounds in respect of each five thousand pounds of their last-mentioned capital but no part of any such sum of one thousand two hundred and fifty pounds shall be borrowed until the whole of the respective five thousand pounds of capital in respect of which it is to be borrowed 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 the respective five thousand pounds of 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 five thousand pounds of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that the respective five thousand pounds of 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.D. 1884.

a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

18. 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 are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

19. 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. 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 one thousand pounds in the whole.

Debenture stock.

20. 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 the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages over other debts.

21. All money raised or 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 the proprietors or by the Company 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.

Application of moneys.

22. 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 ordinary meeting.

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

Number of directors.

24. The number of directors shall not be less than three nor exceed five as the Company in general meeting shall elect.

Qualification of directors.

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

Quorum.

26. The quorum of a meeting of directors so long as the number of directors be four or more shall be three but if the number of directors be reduced to three the quorum shall be two.

First directors.

Election of directors.

27. Gabriel Samuel Brandon and Horatio Brandon and three other persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may subject to the power of reducing the number of directors herein contained either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to fill up the number of directors or to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall 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.

Limits of Act.

28. The limits of this Act shall comprise and include the parishes of Heene and West Tarring in the county of Sussex and so much of the parish of Broadwater in the same county (not being within the district of the Worthing Local Board of Health) as lies to the west and north of an imaginary line commencing at Cissbury Ring in the said parish and extending in a straight direction to the north-east corner of South Farm Lane in the same parish thence continuing along the east side of that lane to the south side of the London Brighton and South Coast Railway where it crosses the same and thence along the southerly boundary of the said railway to the eastern boundary line of the parish of West Tarring. Provided that if in the parishes of Heene and West Tarring or either of them the Company shall not have made adequate provision for the supply of

A.D. 1884.

water within ten years after the passing of this Act the restriction on the construction of waterworks by a local authority 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.

Defining and limiting Company's power in Worthing Local Board district.

29. The Company may lay and maintain (subject to the provisions of the Waterworks Clauses Act 1847) in that part of the said parish of Broadwater which is within the district of the Worthing Local Board a main pipe in a line commencing at or near to the north-eastern boundary of the parish of Heene and continuing in a northerly direction to the public highway called Tarring Road thence along such highway in an easterly direction to South Farm Lane and thence northwards along such lane to the London Brighton and South Coast Railway where it crosses the same. Nothing in this Act contained shall authorise or empower the Company to sell or supply water in bulk or otherwise for domestic or any other purpose to any corporation urban or other authority company or body or to any person or persons in any part of the said parish of Broadwater within the district of the Worthing Local Board or in any other part of the said parish not being within the limits of this Act without the consent in writing of the said local board under their seal and then only for such period or periods and on such conditions and stipulations as they shall from time to time determine.

Power to local authority to purchase undertaking.

30. If at any time within three years after the passing of this Act the West Worthing Improvement Commissioners herein-after called "the local authority" shall by six months previous notice in writing under their common seal addressed and sent to or delivered at the office of the Company require the Company to sell their undertaking the Company shall thereupon sell and transfer and the said local authority shall purchase the undertaking and all the property real and personal rights powers and privileges of the Company as the same exist at the delivery of such notice for such price including such a sum for compulsory sale and cost of Act and upon such terms and conditions as may be agreed on between the Company and the said local authority or as shall in default of agreement be determined by arbitration under the provisions of the Lands Clauses Acts. Provided always that any arbitrator arbitrators or umpire in determining the sum to be paid to the Company shall if the Company so desire have regard to the circumstances under which water has theretofore been supplied and to the provisions of this Act for providing a further supply. Provided also that from and after such sale and transfer to the said local authority the

said undertaking and all the property real and personal rights powers and privileges of the Company in respect of such undertaking held enjoyed or exerciseable by the Company under this Act shall subject to the obligation to supply water within the limits of this Act as well inside as outside the district of such local authority and to all other liabilities then affecting the undertaking be transferred to and vested in and may be enjoyed and exercised by the said local authority as though the same had been acquired and conferred upon the said local authority by this Act.

Power to West Worthing Improvement Commissioners to borrow on security of rates.

31. For the purposes of this Act the West Worthing Improvement Commissioners in addition to any money they have borrowed or are authorised to borrow may from time to time under the authority of this Act borrow at interest on the security of the rates such sum or sums of money as may be agreed upon or may be awarded by an arbitrator for the purchase of the undertaking of the West Worthing Water and Baths Company incorporated by this Act. Provided always that the mortgages or debentures granted by the improvement commissioners under this Act shall be without prejudice to any mortgages or debentures granted by the commissioners on the security of all or any of the aforesaid rates before the passing of this Act while the same are in force.

Power to extend waterworks.

32. Subject to the provisions of this Act the Company may extend maintain and repair and from time to time renew their waterworks and baths and works and conveniences connected therewith respectively and may collect take and divert into the said waterworks and therein impound and thence distribute all waters in upon or under any lands for the time being belonging to the Company.

Power to purchase lands.

33. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) any further lands and hereditaments together with any easements in over or affecting the same not exceeding in the whole five acres which the Company may from time to time require for the purposes of their works and undertaking but the Company shall not use or permit to be used any such lands or hereditaments for any building except buildings required for the undertaking of the Company.

Company may sell spare lands of undertaking.

34. The Company may from time to time demise and also either before or after making any demise thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands or works by this Act vested in them or which may be acquired by them under this Act which they do not require for the purposes of their undertaking and on the sale by the Company of

A.D. 1884.

Reservation of water rights &c. on sale.

any lands or works 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 pressure.

35. Water supplied under this Act need not be constantly laid on under pressure or be supplied in any case at a greater pressure at the works than would be sufficient to raise the water to the height of one hundred feet at such works.

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

36. The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house in any street in which any water pipe of the Company shall be laid or on the application of any person who under the provisions of this Act or any Act incorporated herewith shall be entitled to demand a supply of water for domestic purposes to such dwelling-house or part of a dwelling-house furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at rates not exceeding the rates herein-after specified (that is to say) :—

If the annual value of the house or part of a house does not amount to four pounds per annum at the rate of eight shillings and eightpence per annum and so in proportion for any shorter period :

If such annual value amounts to four but does not amount to seven pounds at the rate of twelve shillings per annum and so in proportion for any shorter period :

If such annual value amounts to seven but does not amount to ten pounds at the rate of sixteen shillings per annum and so in proportion for any shorter period :

If such annual value amounts to ten but does not amount to fifteen pounds at the rate of twenty-four shillings per annum and so in proportion for any shorter period :

If such annual value amounts to fifteen but does not amount to twenty pounds at the rate of thirty-two shillings per annum and so in proportion for any shorter period :

If such annual value amounts to or exceeds twenty pounds at the following rates per centum per annum upon such annual value and so in proportion for any shorter period that is to say :

Seven pounds ten shillings when the rateable value of the property within the limits of this Act does not exceed twenty-five thousand pounds :

Six pounds when such rateable value exceeds twenty-five thousand and does not exceed thirty-five thousand pounds:

Five pounds ten shillings when such rateable value exceeds thirty-five thousand and does not exceed forty-five thousand pounds: and

Five pounds when such rateable value exceeds forty-five thousand pounds.

Rates for watercloseted and baths.

37. In addition to the rates chargeable in pursuance of the preceding section the Company may demand and receive for every watercloset beyond one in any house of not more than twenty pounds annual value any yearly sum not exceeding five shillings and in any other house any yearly sum not exceeding seven shillings and sixpence and for every private fixed bath in any house any yearly sum not exceeding ten shillings.

Provided always that the Company shall not be compelled to supply with water any watercloset or any private fixed bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the Company and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company nor any bath which shall be capable when filled for use of containing more than fifty gallons of water.

Charges for use of baths.

38. The Company may from time to time make rescind alter and revise rules for the regulation of their baths and for securing the protection and comfort of bathers resorting thereto and may demand and receive for the use of the baths such sums and charges as they may think fit.

Incoming tenant not liable for arrears of water rate.

39. If any consumer leaves the premises where water was supplied to him without paying to the Company the water rate due from him the Company shall not be entitled to require from the next tenant of the premises payment of the arrears left unpaid by the former tenant unless the incoming tenant had agreed with the defaulting consumer to pay the arrears.

Power to Company to compel the repair of pipes &c.

40. The Company may by notice in writing under the hand of their surveyor or other authorised officer require any person who shall have suffered any pipe cock cistern or other apparatus under his control used in connexion with the undertaking to be out of repair forthwith to put the same into a proper state of repair and if such person shall not within three days after the service of such notice repair such pipe cock cistern or other apparatus so as to prevent any waste from the same the Company may repair the same and if the

A.D. 1884.

expense of such repair be not repaid to the Company on demand the same may be recovered by the Company as damages.

Supply of water by meter by agreement.

41. The Company may by agreement for purposes other than the purposes for or in respect of which the rates or charges are herein-before provided or limited afford a supply of water by meter.

Meters not to be connected or disconnected without notice to Company.

42. No person shall connect any meter with any pipe through which any water is supplied by the Company to such meter or disconnect any meter from such pipe unless he shall have given to the Company not less than twenty-four hours notice in writing of his intention so to do and obtained their consent in writing and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

43. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspection and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Register of meter to be primâ facie evidence.

44. The register of the meter when in proper working order shall be primâ facie evidence of the quantity of water consumed by any person in respect of which any water rate or rent is charged and sought to be recovered by the Company.

Company not bound to supply water in certain cases.

45. Where any part of a dwelling-house is used by the occupier thereof for any trade or business purpose for which water is required in addition to the ordinary supply for domestic purposes the Company shall not be bound to supply water to such dwelling-house otherwise than by special agreement.

Fraudulently injuring meters, &c.

46. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter apparatus or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any index 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 damages 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 damages is paid notwithstanding any contract previously existing and the existence of artificial means for causing such alteration or prevention when such pipe or meter apparatus or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such pipe meter apparatus or fitting.

Power to sell or let meters.

47. The Company may from time to time manufacture hire sell and dispose of meters fittings and apparatus or let meters fittings and apparatus on hire upon and subject to such terms (pecuniary or otherwise) and conditions as the Company think fit.

Power to Company to agree for supplies of water for other than domestic purposes.

48. Subject to the provisions of this Act the Company may from time to time enter into and carry into effect such contracts and arrangements with any corporation urban or rural sanitary authority and the trustees of any turnpike or other road or any highway board or any surveyors of any highway and any railway company and any other companies bodies or persons with respect to the supply of water in bulk or otherwise as the Company think fit within the limits of supply and in bulk only beyond the limits of supply and every such contract and arrangement may be for such period on such terms (pecuniary or otherwise) and conditions as the Company think fit and the Company may from time to time by agreement vary or rescind any such contracts or arrangements.

Contracts not to disqualify for office of director.

49. Any contract to be made under this Act with any local board corporation or public body shall not disqualify any of the members of such local board corporation or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such local board corporation or public body shall vote upon any question with reference to any contract with such local board corporation or public body.

Domestic supply within limits of Act not to be interfered with by supply for other purposes.

50. Notwithstanding anything in this Act contained the Company shall not supply water in bulk or otherwise to any corporation body or person beyond the limits for the supply of water by this Act authorised nor to any person within those limits for other than domestic purposes if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the limits by this Act authorised.

A.D. 1884.

Supply of water to tenements in a row.

51. 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 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.

As to mains crossing the works of a railway or other company.

52. If any difference shall arise between the Company and any railway canal or other company whose lands or works the Company have power to cross or interfere with in laying down repairing altering or enlarging their mains pipes conduits or other works from time to time for the purposes of meeting the demands for water within their district as to the mode of laying down repairing altering or enlarging such mains conduits pipes or other works or as to the facilities to be afforded for the same such difference shall (except as herein otherwise provided) be settled by an engineer to be appointed by the Board of Trade at the request of either company and the provisions of the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall mutatis mutandis apply to such arbitration.

Entry on premises to cut off supply in certain cases.

53. In all cases in which the Company are authorised to cut off the pipe or to turn off water from any premises the Company their agents and workmen (after giving notice to the owner or occupier as herein-after provided) may enter into such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe and removing any meter or fittings by or through which the water of the Company shall be supplied to such premises.

Mode of giving notice.

54. The notice to be given previously to such entry shall be in writing and shall be served in manner following (that is to say):—

If the premises intended to be entered be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof three clear days previously to such entry:

If such premises be unoccupied then by affixing the notice on some conspicuous part of such premises twenty-four hours at least previously to such entry.

Service pipes.

55. All fittings connected with any service pipe to communicate with the mains and pipes of the Company which shall be provided by any person shall be placed and removed under the superintendence of the Company and at the expense of such person.

Power to lay water

56. The Company with the consent of the owner and occupier of any building within the limits of this Act may lay any pipe branch

or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of affording a supply of water to any such building or of watering any street road market place, or public building or place and may with the like consent provide and set up any apparatus necessary for securing to such building street road market place or public building or place a proper and complete supply of water and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

pipes against buildings.

57. The Company after forty-eight hours' notice in writing signed and served as herein-before in that behalf provided may enter any building or lands 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 not less than forty-eight consecutive hours 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 cutting off and removing and may cut off and remove every such pipe meter and fitting repairing all damages caused by such entry or removal.

Power to remove meters and fittings.

58. Every person using for other than domestic purposes any water supplied by the Company and not having previously agreed with them for a supply of water for other than domestic purposes or using for any purpose other than the purposes so agreed on any water supplied by the Company shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds and a further sum not exceeding forty shillings for every day on which the offence continues.

Penalty for misuse 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 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 such cases.

For preventing fraud and waste of water.

60. The Company shall not be bound to supply more than one house by means of the same pipe but they may if they think fit

Company not bound to supply

several houses by one pipe.

require that a separate pipe be laid into each house supplied by them with water.

Meter &c. not subject to distress for rent.

61. No meter or pipe belonging to the Company shall be subject to distress for rent of the premises where the same is used or to be attached or taken in execution under any process of any court of law or equity or any adjudication in bankruptcy or any other legal proceeding against the person in whose possession the same may be.

Recovery of moneys by action.

62. If any person fails to pay any water rate meter rent or other sum or any penalty due to the Company and 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 in that behalf.

Several sums in one summons.

63. 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.

Costs of distress.

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

Penalties on the Company not cumulative.

65. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and the Acts incorporated herewith shall be deemed one Act.

Notice of discontinuance.

66. 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 signed by him and be left at the principal office for the time being of the Company or at their works.

Liability to water rent not to disqualify justices &c.

67. A justice or a judge of any court shall not 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.

Authentication of notices &c.

68. Any summons warrant demand notice or other document to be issued or given for any of the purposes of this Act may be in writing or print or partly in writing and partly in print and if it requires authentication by the Company the signature thereof by the secretary shall be sufficient authentication.

A.D. 1884

Saving rights of the Worthing Local Board.

69. Except that the Company may lay and maintain within the district of the Worthing Local Board thé main pipe as by this Act authorised nothing in this Act contained shall take away alter or diminish any rights powers and privileges of the Local Board of Health for the district of Worthing in the county of Sussex or be construed in any way to limit or affect the exercise of any of their rights powers and privileges whether in relation to the supply of water or otherwise and all such rights powers and privileges may be exercised by the said local board in the same manner in all respects as if this Act had not been passed.

Costs of Act.

70. All 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.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1884