

**CHAPTER ccxlix.**

An Act to enable the Mayor Aldermen and Burgesses of the borough of Aldeburgh to acquire the undertaking of the Aldeburgh Waterworks Company Limited and to construct waterworks and supply water and for other purposes. A.D. 1901.
[17th August 1901.]

WHEREAS the borough of Aldeburgh in the county of Suffolk is a borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the said borough (hereinafter called "the Corporation") acting by the council are the urban sanitary authority for the district thereof:

And whereas the said borough is supplied with water by the Aldeburgh Waterworks Company Limited (hereinafter called "the company") incorporated under the Companies Acts 1862 to 1900 and empowered by the Aldeburgh Water Order 1871 scheduled to and confirmed by the Gas and Water Orders Confirmation Act 1871 to supply water within the town and parish of Aldeburgh and the parish of Sudbourne in the county of Suffolk: 34 & 35 Vict.
c. clxiv.

And whereas the present waterworks of the company are inadequate for the efficient supply of water within the said borough and it is expedient that the supply of water to the said borough should be under the control of the Corporation and that they should be empowered to purchase the works and undertaking of the company on the terms set forth in this Act and should be authorised to construct the waterworks in this Act described:

And whereas the capital of the company is one thousand five hundred pounds in one hundred and fifty shares of ten pounds each the whole of which is fully paid up and the Company now owe the sum of three thousand pounds on mortgage of which sum one

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A.D. 1901. — thousand two hundred pounds were lent to the company by the Corporation :

And whereas it is expedient that the Corporation be authorised to borrow money for the purposes of this Act :

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

And whereas the Corporation have caused estimates to be prepared for the following purposes and the amounts thereof are as follows (that is to say) :—

For the purchase of the company's undertaking and for the purchase of land and for the execution of the works by this Act authorised twelve thousand pounds :

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the thirtieth day of November one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *East Anglian Daily Times* a newspaper published in the county of Suffolk and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the borough :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eighteenth day of January one thousand nine hundred and one being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided by Schedule III. to the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the line situation and levels of the works authorised by this Act and the lands which may be taken compulsorily for the purposes thereof and plans of the other lands which may be taken compulsorily under the powers

of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were deposited with the clerk of the peace for the county of Suffolk and are in this Act referred to respectively as "the deposited plans sections and book of reference":

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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 (that is to say):—

1. This Act may be cited as the Aldeburgh Corporation (Water) Act 1901. Short title.

2. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):— Provisions of certain general Acts incorporated.

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);

The Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and the words "with the consent in writing of the owner or "reputed owner of any such house or of the agent of such "owner" in section 44 of that Act); and

The Waterworks Clauses Act 1863.

3. In this Act unless the subject or context otherwise require— Interpretation.

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings;

"The borough" means the borough of Aldeburgh;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the town council of the borough;

"The town clerk" means the town clerk of the borough;

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the borough;

"The undertaking of the company" means and includes the undertaking waterworks and works connected therewith and

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all property real and personal (except any reserve fund money and securities for money) and effects and all rights powers authorities and privileges of the company ;

“ The water undertaking ” means the water undertaking of the Corporation ;

“ Water revenue ” means all net moneys received for or in relation to the water undertaking other than borrowed moneys and other moneys which ought to be carried to capital account.

For the purposes of this Act in the Acts wholly or partially incorporated with this Act “ the undertakers ” or “ the promoters of the undertaking ” means the Corporation.

Limits of Act.

4. The limits within which the Corporation may supply water and exercise the powers of this Act (hereinafter termed “ the limits of this Act ”) shall be the borough and the parish of Sudbourne in the county of Suffolk.

Sale of plant outside borough.

5. If at any time after the passing of this Act any local authority whose district is beyond the district of the Corporation but as to the whole or any part thereof within the limits of this Act shall give not less than six months’ notice in writing to the Corporation of their desire to purchase such portion of the waterworks and plant of the Corporation as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the Corporation (except the mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the Corporation for the supply of water) and to supply water within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such local authority shall purchase the portion of the waterworks and plant of the Corporation (except as aforesaid) within the district of such local authority at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament The Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of

land under this Act Provided that after the completion of such purchase all obligations on the part of the Corporation to supply water within the district of the purchasing authority shall cease and determine. A.D. 1901.

6. If at any time after the expiration of five years from the commencement of this Act the Corporation are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of this Act the local authority of such district may provide a supply in the whole or any part of their district within the limits of this Act 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 Corporation as if in either case this Act had not passed. Power to local authority &c. to supply water in case Corporation fail to supply.

If any difference shall arise between the Corporation 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 an arbitrator appointed by the Local Government Board.

7. The company shall sell and the Corporation shall purchase the undertaking of the company for the consideration and on and subject to the terms and conditions in this Act mentioned (that is to say) :— Purchase of water company's undertaking.

(1) The purchase of the said undertaking shall be completed and possession thereof shall be given to the Corporation on the twenty-ninth day of September one thousand nine hundred and one or such earlier day as may be agreed between the Corporation and the company and for the purposes of the following provisions of this Act the said day is in this Act referred to as "the transfer day" :

(2) The consideration for the purchase shall be the sum of five thousand pounds to be applied and paid as hereafter provided :

(3) The Corporation may retain out of the said sum of five thousand pounds the principal money which shall on the transfer day remain due and owing by the company to the Corporation on mortgage together with all interest (if any) then due and unpaid thereon :

(4) The balance of the said sum of five thousand pounds shall be paid over by the Corporation to the company :

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(5) The company shall out of the sum so paid to them pay off and discharge all other mortgages (if any) charged upon the said undertaking and outstanding on the transfer day.

Provisions
incidental
to transfer.

8. With respect to the transfer of the undertaking of the company the following provisions shall have effect (that is to say):—

Until the transfer day the company may exercise all their powers under their memorandum and articles of association and the recited Order and shall carry on their business as heretofore at their own expense and risk and shall maintain and keep in good repair (reasonable wear and tear excepted) the whole of their undertaking and shall use their best endeavours to ensure a sufficient supply of water to the consumers but the company shall not expend or enter into any contract or engagement involving the expenditure of any money on capital account or for extraordinary repairs without the previous consent of the Corporation in writing under the hand of the town clerk and the Corporation shall at the transfer day pay to the company all money so expended:

The company shall give to the Corporation and to their officers and servants all such information as may be reasonably required by them respectively with reference to the working of the undertaking and the business of the company:

All water rents rates and charges and other sums of money due or accruing due to the company up to the transfer day shall belong to the company and may be recovered by them or by the Corporation on their behalf.

Receipt for
purchase
money.

9. The receipt in writing of three of the directors of the company for any money to be paid by the Corporation to the company under this Act shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Company to
pay their
debts &c.

10. All debts rents charges and sums of money which at the transfer day are due or owing from the company shall be paid discharged settled and satisfied by the company.

Pending
actions &c.
against
company.

11. If at the transfer day any action suit or proceeding or any cause of action suit or proceeding is pending or existing against the company the same shall not abate or be discontinued or in anywise

prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against the Corporation as and when it might have been continued prosecuted and enforced against the company if this Act had not been passed but not further or otherwise. A.D. 1901.

12. Except as is by this Act or in any agreement made thereunder otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the transfer day and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto. Contracts of company to be binding on Corporation.

13. The persons who on the transfer day appear in the books of the company to be proprietors of shares in the capital of the company or their respective executors administrators or assigns shall be considered to be shareholders thereof for the purposes of the distribution of the company's assets. Company's books evidence as to shareholders.

14. The company shall be wound up under the Companies Acts 1862 to 1900 and when and as soon as their affairs have been wound up and all their debts and liabilities paid and satisfied the company shall be by virtue of this Act dissolved. Winding-up and dissolution of company.

15. From and after the transfer day the Aldeburgh Water Order 1871 shall be and the same is hereby repealed but without prejudice to any action or proceedings taken thereunder and then pending. Repeal of Order of 1871.

16. Subject to the provisions of this Act the Corporation may in the parish and borough of Aldeburgh make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the wells pumping-station and line of pipes as follows (that is to say) :— Power to make water-works.

A well or wells and pumping-station situate in the eastern corner of the enclosure numbered 107 on the 25-inch Ordnance map (edition 1882) of the said parish and about 19 chains measured in a south-easterly direction from the south-west corner of the Hail Farm Brickworks ;

A rising main or line of pipes commencing at the pumping-station hereinbefore described and terminating at the existing water tower of the company on the Aldeburgh Park Estate of the Corporation ;

A.D. 1901. together with all necessary works and conveniences connected therewith :

And when and so soon as the Corporation shall be in a position to supply water at every place within the limits of supply by means of the works hereinbefore described and authorised by this Act they shall cease to supply for domestic purposes the water obtained from the existing wells of the company.

Limits of deviation.

17. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards but no part of the said rising main shall be raised above the surface of the ground unless and except so far as shown on the deposited sections.

Power to make subsidiary works.

18. The Corporation may upon any lands for the time being belonging to them from time to time make and maintain all such aqueducts culverts pipes tanks wells roads approaches engines machinery apparatus and appliances as may be necessary or convenient in connection with the before-mentioned works or the existing works of the company or any of them or for the obtaining storing distributing and using their water or for the general purposes of their water undertaking.

Power to take lands and waters.

19. The Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works authorised by this Act and may collect divert impound take appropriate and use for the purposes of the said works and of the water undertaking all such waters as will or may be intercepted by the proposed works or as may be found under any of the lands hereinafter described or any other lands now or hereafter belonging to the Corporation or over or in respect of which they have or may acquire easements and the Corporation may also enter upon and take and use all or any part of the lands hereinafter mentioned which are shown on the deposited plans and described in the deposited book of reference (that is to say) :—

A piece of land in the parish and borough of Aldeburgh adjoining and on the north-western side of the marshes belonging to the Corporation and situate between the said marshes and Hall Farm Brickworks and comprising the enclosures numbered 107 and 108 and parts of the enclosures numbered 106 109

114 123 and 124 on the 25-inch Ordnance map (edition 1882) of the said parish. A.D. 1901.

20. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Limitation of time for compulsory purchase of lands.

21. 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 Corporation any easement right or privilege in over or affecting any lands (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid. Power to take easements &c. by agreement.

22. In addition to any other lands which the Corporation are under this Act authorised to take or purchase the Corporation may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their water undertaking any lands within the limits of this Act not exceeding in the whole twenty acres in extent or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or under any such lands Provided that the Corporation shall not deal with such lands so as to create a nuisance nor use any such lands for any building except buildings required for the water undertaking. Purchase of lands by agreement.

23. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange: Consideration for such acquisition.

Provided that this section shall not be taken to dispense with the consent of the Local Government Board to any disposition of land in any case in which the consent of that Board would have been required if this Act had not been passed.

24.—(1) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

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(2) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section—

The expression "house" means any house or part of a house occupied as a separate dwelling; and

The expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Corporation
may lease
&c. lands of
undertaking.

25. The Corporation may from time to time demise and lease for any terms not exceeding seven years in possession and also absolutely sell and dispose of to such persons and in such manner as the Corporation think fit any lands houses and property acquired under the powers of this Act which they do not require for the purposes of their water undertaking and on the lease or sale by the Corporation of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or 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.

Rates for
supply of
water for
domestic
purposes.

26. The Corporation 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 hereinafter specified (that is to say) :—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eight pence ;

Where such rateable value exceeds five pounds and does not exceed twenty pounds the rate of seven pounds ten shillings per centum per annum upon such rateable value; A.D. 1901.

Where such rateable value exceeds twenty pounds the rate of six pounds per centum per annum.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction. Provided also that the Corporation shall not be entitled to charge by way of such rate in respect of any house of a less rateable value than twenty-one pounds any amount exceeding that which they are entitled to charge by way of such rate in respect of a house of the rateable value of twenty-one pounds.

27. In addition to the foregoing charges the Corporation may charge in respect of 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 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 Corporation 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. Rates for waterclosets and baths.

28. The Corporation shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Corporation nor any bath which shall be capable of containing when filled for use more than fifty gallons of water. Provided that the foregoing provisions shall not entitle the Corporation to cut off or discontinue the domestic supply of the house in which such watercloset or bath is situate. Corporation not to be compelled to supply certain closets or baths.

29. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a Rates payable by owners of small houses.

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quarter of a year the owner instead of the occupier shall if the Corporation 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.

Supply to
houses
partly used
for trade &c.

30. The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply of
water for
other than
domestic
purposes and
by measure.

31. The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes Provided also that the price to be charged for a supply by measure shall not exceed one shilling and sixpence per thousand gallons.

Corporation
not bound
to supply
several
houses by
one pipe.

32. The Corporation shall not be bound to supply more than one house by means of the same service pipe but they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

Notice of
discontinu-
ance.

33. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the town hall or be sent to the town clerk in a registered letter Notice of this enactment shall be printed upon all demand notes for the payment of water rate.

Notice to
Corporation
of con-
necting &c.
meters.

34. Before any person connects or disconnects any meter through which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of an officer or a person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

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35. Where water is supplied by measure the register of the meter shall be *primâ facie* evidence of the quantity of water consumed.

Register of
meter to be
primâ facie
evidence.

36. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Corporation or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damages sustained by them and the Corporation may also after twenty-four hours' notice in writing under the hand of the town clerk 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 existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *primâ facie* evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

Fraudulently
injuring
meters &c.

37. Every consumer of water of the Corporation shall at all times at his own expense keep all meters belonging to him whereby any water of the Corporation is registered in proper order for correctly registering such water in default whereof the Corporation may cease to supply water through such meters and the Corporation shall at all reasonable times 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 inspecting and replacing to be done at the expense of the Corporation if the meter be found in proper order but otherwise at the expense of the consumer.

Repair of
meters.

38. The Corporation after forty-eight hours' notice in writing under the hand of the town clerk or some other officer of the Corporation to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for not less than forty-eight consecutive hours may enter such building or lands between the

Power to
remove
meters and
fittings.

A.D. 1901. hours of ten 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.

Power for Corporation to supply materials &c.

39. The Corporation may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil pans and waterclosets apparatus receptacles fittings and appliances as are required or permitted by their regulations in connection with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Byelaws for preventing waste &c. of water.

40.—(1) The Corporation 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 connection disconnection alteration and repair of the ferrules pipes meters cocks 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 lead to such waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand (subject to the provisions of the Waterworks Clauses Act 1847) to afford a constant supply and the provisions contained in sections 182 to 185 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws so made and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their 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 repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable. A.D. 1901.

41. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the town clerk or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Corporation being affixed thereto or stamped thereon and any such notice may be served in the manner provided by section 266 of the Public Health Act 1875. Form and service of notices by Corporation.

42. The Corporation 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 in bulk for any purpose and for such remuneration 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. Contracts for supplying water in bulk.

43. The Corporation may from time to time (in addition to any other moneys they are now authorised to borrow) borrow at interest on the security of the water revenue and the district fund and general district rate and of any other land property or revenue of the Corporation for the following purposes the following sums (that is to say):— Power to borrow.

- (A) For the purpose of paying the costs of this Act as hereinafter defined the sum requisite for that purpose;
- (B) For the purpose of acquiring the undertaking of the company such sum as shall be payable by the Corporation to the company under the provisions of this Act;
- (C) For the purchase of lands and the construction of the works by this Act authorised the sum of seven thousand pounds;
- (D) For new mains and extensions of mains and service pipes meters and apparatus such sum as the Local Government Board may sanction:

Provided that the amounts to be borrowed under the powers of this section shall not exceed in the aggregate twenty thousand pounds. Provided always that the powers of borrowing moneys by

A.D. 1901. — this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned.

Provisions as to mortgages. 44. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages); and

Section 239 (Receiver may be appointed in certain cases).

Repayment of borrowed moneys. 45. The Corporation shall pay off all moneys borrowed by them under the powers of this Act within the following periods (that is to say):—

As regards money borrowed to defray the costs charges and expenses preliminary to of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto within any period not exceeding five years from the passing of this Act;

As regards money borrowed with the sanction of the Local Government Board within such period not exceeding fifty years from the date of borrowing as that Board may determine;

As regards money borrowed for all other purposes within any period not exceeding fifty years from the time of the borrowing thereof:

And such repayments shall be made either—

By equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund:

The sinking fund shall be formed by setting apart in every year primarily out of the water revenue or (but only so far as the water revenue is insufficient) out of the district fund and general district rate such equal annual sums as will with the accumulations thereof at compound interest (at a rate not exceeding three pounds per centum per annum) be sufficient after payment of all expenses to pay off the moneys borrowed within the periods by this Act prescribed in relation thereto respectively:

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The first payment to the sinking fund for repayment of borrowed moneys shall be made within one year from the date of the borrowing of the money in respect of which such payment is to be made : A.D. 1901.

The sums to be annually appropriated and set apart in respect of the sinking fund exclusive of accumulations shall be equal throughout the whole period allowed for repayment :

The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which the sinking fund was set apart in such order and manner as they deem proper :

Provided as follows :—

That in such case they pay into the sinking fund in each year afterwards and accumulate as hereinafter prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based :

That whenever and so long as the securities in which such sinking fund is invested shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be so paid thereto.

46. All sums paid into the sinking fund and the annual income thereof shall be accumulated at compound interest and shall be as soon as may be invested in any manner in which trustees are by law for the time being authorised to invest trust moneys or in any debenture stock or other security issued under the authority of any Act of Parliament by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Corporation and except securities transferable by delivery. Sinking fund
how to be
invested.

47. If the Corporation pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands Power to
re-borrow.

A.D. 1901. — or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may reborrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing shall have been made and any amounts from time to time reborrowed shall be deemed to form the same loan as the moneys in lieu of which such reborrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such reborrowing.

Proceeds of sale of surplus lands.

48. The Corporation shall apply all moneys received from the sale of lands or from fines or premiums on leases under the powers of this Act in extinguishing any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board.

Sinking funds may be adjusted in certain events.

49. If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Power to borrow under Local Loans Act 1875.

50. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Corporation in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act Provided that the provisions of this Act with respect to a sinking fund shall apply in substitution for section 15 of the Local Loans Act 1875.

51. A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Protection of
lenders from
inquiry.

52. All mortgages granted by the Corporation subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act.

Priority of
existing
mortgages.

53. The Corporation shall keep accounts in respect of their water undertaking separate from all their other accounts and shall apply all water revenue as follows (that is to say) :—

Application
of revenue
and audit of
accounts.

First In payment of their costs charges and expenses of and incidental to the collecting and recovering of water revenue and of the borrowing of money under this Act ;

Secondly In payment of the working and establishment expenses and costs of maintenance of their water undertaking ;

Thirdly In providing the moneys required to pay the interest on moneys borrowed by them under this Act for their water undertaking ;

Fourthly In providing the requisite instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act ;

Fifthly In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in or upon any securities in or upon which the Corporation are or may be authorised to invest their sinking fund and accumulating the same at compound interest until the reserve fund so formed amounts to a sum equal to one-tenth part of the amount at the time standing in the books of the Corporation to the capital account of the water undertaking which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or to the improving and extending thereof and so that if that fund is at any time reduced it may thereafter be again restored to the sum aforesaid and so from time to time as often as such reduction happens :

A.D. 1901.

And the Corporation shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when amounting to the sum aforesaid.

The accounts of the Corporation kept in accordance with the provisions of this section shall be audited with the same incidents and consequences as the accounts of the Corporation are audited under the provisions of the Municipal Corporations Act 1882.

As to deficiency in receipts.

54. Any deficiency in the revenues or receipts of the Corporation on account of their water undertaking shall be made good out of the district fund and the next general district rate to be made by the Corporation shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Application of money borrowed.

55. All money borrowed under this Act shall be applied for the purposes of this Act only for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise.

Return respecting sinking fund to Local Government Board.

56.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the

same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1901.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

57. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court. Recovery of demands under fifty pounds.

58. The council shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the council shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily. Copy of Act to be registered.

There shall be paid to the Registrar by the council on such copy being recorded the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

59. All the costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of Costs of Act.

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A.D. 1901. this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the general district fund but shall be repaid to that fund out of moneys to be borrowed for the purpose under the provisions of this Act.

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