

[1 EDW. 8. &
1 GEO. 6.]

*Burgess Hill Water
Act, 1937.*

[Ch. xxxiv.]



CHAPTER xxxiv.

An Act to authorise the Burgess Hill Water Company to construct new works to extend the limits of supply of the Company and to raise additional capital and for other purposes.

A.D. 1937.

[10th June 1937.]

WHEREAS the Burgess Hill Water Company (hereinafter called "the Company") are by the Burgess Hill Water Acts and Orders 1871 to 1925 authorised to construct and maintain waterworks and to supply water within the limits in the county of East Sussex thereby prescribed :

And whereas the demands for water within the Company's limits of supply and in parishes adjacent thereto have increased and are increasing and it is expedient to extend the said limits and to authorise the Company to construct new works and to confirm the construction of certain works by the Company :

And whereas a statement showing the share and loan capital which the Company are authorised to create and issue or raise by their Acts and Orders and the amounts of such capital which have been created issued or raised and the amounts remaining to be created issued or raised is set forth in the First Schedule to this Act :

And whereas it is expedient to authorise the Company to raise additional capital and to confer further powers upon them and that such other provisions should be made as are in this Act contained :

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

And whereas plans and sections of the works authorised by this Act showing the lines and levels thereof the plans also showing the lands liable to be taken compulsorily under the powers of this Act and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the county council of East Sussex and are in this Act respectively referred to as the deposited plans sections and book of reference :

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

PART I.

PRELIMINARY.

Short and collective titles.

1.—(1) This Act may be cited as the Burgess Hill Water Act 1937.

(2) The Burgess Hill Water Acts and Orders 1871 to 1925 and this Act may be cited together as the Burgess Hill Water Acts and Orders 1871 to 1937.

Act divided into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Supply of water &c.

Part IV.—Financial provisions.

Part V.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and not inconsistent with the provisions of the Burgess Hill Water Acts and Orders 1871 to 1937) are hereby incorporated with this Act (namely) :—

(1) The Lands Clauses Acts (except sections 127 to 131 of the Lands Clauses Consolidation

8 & 9 Vict. c. 18.

Act 1845 relating to the sale of superfluous lands) : A.D. 1937.

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PART I.
—cont.

Provided that any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Minister of Health on the application of either party :

- (2) The Waterworks Clauses Acts 1847 and 1863 except 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 the first-mentioned Act : 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

Provided that in the application to the Company of the Waterworks Clauses Act 1847 section 76 of that Act shall be read as if the words "investments in which trustees are authorised by law to invest" were substituted for the words "government or other securities" and the word "investments" were substituted for the word "securities" wherever that word occurs elsewhere in the said section :

- (3) The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of borrowed money into capital : 8 & 9 Vict. c. 16.
- (4) Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts : 26 & 27 Vict. c. 118.

Provided that in the application to the Company of the said Part III of the Companies Clauses Act 1863 section 22 of that Act shall be read as if the words "and to the same amount as" were omitted therefrom.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith shall have the same respective meanings unless there be something in the Interpretation.

A.D. 1937. subject or context repugnant to such construction And in this Act—

PART I.
—cont.

“the Company” means the Burgess Hill Water Company;

“the Burgess Hill Water Acts and Orders 1871 to 1925” means—

34 & 35 Vict.
c. cxliv. Sch.

the Burgess Hill and Saint John’s Common Water Order 1871;

40 & 41 Vict.
c. lxxvi. Sch.

the Burgess Hill and Saint John’s Common Water Order 1877;

49 & 50 Vict.
c. lxviii.

the Burgess Hill Water Act 1886;

1 Edw. 7.

c. lxxxiv.

the Burgess Hill Water Act 1901;

8 Edw. 7.

c. cxxxiii. Sch.

the Burgess Hill Water Order 1908;

the Burgess Hill Water Company (Modification of Charges) Order 1922;

15 & 16 Geo. 5.
c. xxvii.

the Burgess Hill Water Act 1925;

“the Act of 1925” means the Burgess Hill Water Act 1925;

“the undertaking” means the undertaking for the time being of the Company authorised by the Burgess Hill Water Acts and Orders 1871 to 1937;

“the limits of supply” means the limits for the time being of the Company for the supply of water;

“the county council” means the county council of the administrative county of East Sussex;

“the corporation” means the mayor aldermen and burgesses of the county borough of Brighton;

“the directors” means the directors of the Company;

“employee” means any workman servant or officer of the Company but does not include a director.

PART II.

WORKS AND LANDS.

Power to
make
works.

5.—(1) Subject to the provisions of this Act the Company may wholly in the county of East Sussex and in the lines and situation and upon or under the lands delineated on the deposited plans and described

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in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

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PART II.
—cont.

In the rural district of Cuckfield—

Work No. 1 A pumping station together with wells bores adits headings roads fences and other works and conveniences (to be called and in this Act referred to as “the Poynings pumping station”) to be situate in the enclosures numbered 137 124A and 138 in the parish of Newtimber on the 1/2500 Ordnance map sheet Sussex (East) No. LII.12 (edition of 1931);

Work No. 2 A line or lines of pipes commencing at the Poynings pumping station (Work No. 1) hereinbefore described and terminating in the enclosures numbered 51 and 52 in the parish of Newtimber on the 1/2500 Ordnance map sheet Sussex (East) No. LII.4 (edition of 1910) at the reservoir or reservoirs (Work No. 4) hereinafter described;

Work No. 3 A new road or private carriageway commencing at the Poynings pumping station (Work No. 1) hereinbefore described and terminating in the public road in the parish of Newtimber at a point 2 chains or thereabouts measured in a westerly direction from the north-west corner of the enclosure numbered 134 in the said parish of Newtimber on the 1/2500 Ordnance map sheet Sussex (East) No. LII.12 (edition of 1931);

Work No. 4 A reservoir or reservoirs in the parish of Newtimber in the enclosures numbered 51 and 52 on the 1/2500 Ordnance map sheet Sussex (East) No. LII.4 (edition of 1910);

Work No. 5 A line or lines of pipes in the parishes of Newtimber Pyecombe Hurstpierpoint and Clayton commencing at the said reservoir or reservoirs (Work No. 4) hereinbefore described and terminating by junctions with the existing water mains of the Company

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PART II.
—cont.

in the public road in the parish of Clayton near the Matsfield Arms on the 1/2500 Ordnance map sheet Sussex (East) No. LIII.1 (edition of 1910);

Work No. 6 A pumping station together with wells bores adits headings roads fences and other works and conveniences (to be called "the Randolphs pumping station") to be situate in the enclosure numbered 928 in the parish of Hurstpierpoint on the 1/2500 Ordnance map sheet Sussex (East) No. XXXVIII.16 (edition of 1910):

In the rural district of Chailey—

Work No. 7 A pumping station together with wells bores adits headings roads fences and other works and conveniences (to be called "the Ditchling pumping station") to be situate in the enclosures numbered 382 and 383 in the parish of Ditchling on the 1/2500 Ordnance map sheets Sussex (East) Nos. XXXIX.14 and LIII.2 (edition of 1910).

(2) In addition to the foregoing works the Company may upon or under the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this subsection shall exonerate the Company from any action indictment or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

(3) (a) The Company shall be entitled at its own expense on the said enclosure numbered 138 in the parish of Newtimber on the 1/2500 Ordnance map sheet Sussex (East) No. LII.12 (edition of 1931) to construct any necessary works for treating the sewage discharging on the said enclosure provided that such works shall be carried out to the reasonable satisfaction of the corporation.

(b) Any question as to whether such works have been carried out in accordance with the provisions of subsection (a) shall be decided by the Minister of Health.

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6. In the construction of the works authorised by this Act the Company may deviate laterally within the limits of deviation shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent Provided that no part of any line or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown upon the deposited sections.

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PART II.
—cont.

Limits of
deviation.

7. If the works by this Act authorised to be constructed are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto respectively shall cease except as to so much thereof as is then completed Provided that the Company may at any time after the expiration of the said period alter improve enlarge extend or renew any of such works as they may think expedient to provide for the requirements of the undertaking.

Period for
completion
of works.

8.—(1) The construction by the Company of the borehole and the pumping machinery and other works and apparatus connected therewith on and under the lands hereinafter described is hereby sanctioned and confirmed and the Company may maintain deepen extend or enlarge the said borehole works and apparatus and retain hold and use the same for the purpose of the undertaking.

Confirma-
tion of
borehole
and works.

The lands hereinbefore referred to are—

The northern portion of the enclosure in the parish of Hurstpierpoint in the rural district of Cuckfield in the county of East Sussex numbered 928 on the 1/2500 Ordnance map sheet Sussex (East) No. XXXVIII.16 (edition of 1910).

(2) The Company may maintain deepen extend or enlarge the borehole pumping machinery and other works and apparatus now on the site of the Poynings pumping station by this Act authorised and retain hold and use the same for the purpose of the undertaking.

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PART II.
—cont.

Power to
take waters.

9. Subject to the provisions of this Act the Company may collect divert take pump use and appropriate for the purposes of the undertaking all streams springs and waters which will or may be taken or intercepted by means of the works authorised or sanctioned and confirmed by this Act.

Temporary
stoppage
of streets
&c.

10.—(1) Subject to the provisions of this Act the Company during the execution and for the purposes of any of the works authorised by this Act may with the consent of the highway authority (which consent shall not be unreasonably withheld) temporarily stop up and interfere with any unclassified street or road and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any premises in the street or road from passing along and using the same.

(2) The Company shall provide reasonable access for foot passengers bona fide going to or returning from any such premises.

(3) Any question as to whether the consent of the highway authority concerned is unreasonably withheld shall be decided by the Minister of Transport.

Confirma-
tion of
scheduled
agreement.

11. The agreement made on the fifth day of March nineteen hundred and thirty-seven between the Company of the one part and the corporation of the other part and set forth in the Second Schedule to this Act is hereby confirmed and made binding on the Company and the corporation and due effect shall be given thereto accordingly :

Provided that notwithstanding anything in this section all or any of the provisions of the said agreement may be varied by a further agreement or agreements made between the Company and the corporation.

Power to
acquire
lands.

12. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works authorised by this Act or of the undertaking.

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PART II.

—cont.

Period for
compulsory
purchase
of lands.

Costs of
arbitration
in certain
cases.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the first day of October nineteen hundred and forty.

14. The tribunal to whom any question of disputed compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant :

Provided that it shall be lawful for the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the court after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to the court may seem just and proper in all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

15.—(1) The Company may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts (as modified by this Act) shall apply to and

Power to
acquire
easements
in lieu of
lands.

A.D. 1937. in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

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PART II.
—cont.

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

Power to acquire easements &c. compulsorily.

16.—(1) Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated herewith the Company shall not be required to purchase or take the lands numbered on the deposited plans 4 (in respect of Work No. 3 by this Act authorised) in the parish of Newtimber in the rural district of Cuckfield in the county of East Sussex but they may purchase and take and the owners of and other persons interested therein shall (if so required by the Company) sell such easements and rights in or over the said lands or any part thereof as the Company may require.

(2) The Company may purchase and take a right of way for all purposes over a strip of land twelve feet in width from the points marked A to B on the deposited plans along the line and within the limits of deviation of Work No. 2 by this Act authorised or any part thereof as the Company may require.

(3) The Company may give notice to treat in respect of any such easements and rights as aforesaid describing the nature thereof and subject to the foregoing provisions of this section and to the other provisions of this Act the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if they were lands within the meaning of those Acts except that no such easement or right shall be deemed to be part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

Power to purchase lands already subject to easements.

17. Where under the powers of this Act the Company have acquired or shall acquire any easement or right in under or through any lands for the construction of any pipe or other similar work the Company may

at any time thereafter if they see fit purchase by agreement from the owner thereof the lands lying over under and alongside such pipe or other similar work.

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PART II.
—cont.

18. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege.

Persons under disability may grant easements &c.

19. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council of the county of East Sussex and a duplicate thereof shall also be deposited with the clerk of the council of the rural district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with the certificate.

Correction of errors in deposited plans and book of reference.

20. The following sections of the Act of 1925 shall extend and apply to the powers and provisions of this Act as if those sections were re-enacted in this Act with any necessary modifications :—

Application of certain sections of Act of 1925.

Section 8 (Private rights of way over lands taken compulsorily);

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PART II.
—cont.

Section 9 (Power to enter upon property for survey and valuation);

Section 17 (Discharge of water into streams):

Provided that section 17 of the Act of 1925 shall have effect as if—

(a) the words “chalk pit” were inserted after the word “ditch” in subsection (1) thereof;

(b) the words “provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish” were inserted at the end of subsection (1) thereof; and

(c) as if the following subsection (3) were added at the end of that section:—

“(3) The rate at which the Company may cause water to be discharged directly or indirectly into any available stream ditch or watercourse shall not (except in emergency) exceed such a rate as may be agreed between the Company and the highway authority for any road drained by the stream ditch or watercourse or adjacent to which road the stream ditch or watercourse is situate or as failing agreement may be determined by arbitration to be reasonable having regard to all the circumstances of the case.”

Retention and disposal of lands.

21. The Company may retain hold and use for such time and for the purposes of the undertaking or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

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22. The following provisions for the protection of the corporation shall unless otherwise agreed in writing between the Company and the corporation apply and have effect:—

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PART II.
—cont.

For pro-
tection of
corpora-
tion.

Notwithstanding anything in this Act or shown on the deposited plans the Company shall not enter upon take or use any lands of the corporation or acquire purchase or take any easements or rights in or over such lands.

PART III.

SUPPLY OF WATER &C.

23. The limits within which the Company may supply water and exercise the powers conferred upon them by the Burgess Hill Water Acts and Orders 1871 to 1937 shall extend to and include the parishes of Newtimber Poynings and Fulking in the rural district of Cuckfield in the county of East Sussex and within and throughout such extended limits the Burgess Hill Water Acts and Orders 1871 to 1937 and all regulations made thereunder shall henceforth be in full force and have effect.

Extension
of limits
of supply.

24.—(1) If at any time after the expiration of seven years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of the Burgess Hill Water Acts and Orders 1871 to 1937 in the parishes of Newtimber Poynings or Fulking or in any part of such parishes the local authority in whose district such parishes are situate may provide a supply in the whole or in any part of the said parishes where not sufficiently supplied by the Company in accordance with the provisions of the Public Health Act 1936 as if there were no company authorised by this Act to supply water therein.

Power to
local
authority
to supply
water in
case Com-
pany fails
to supply.

26 Geo. 5. &
1 Edw. 8.
c. 49.

(2) If any difference shall arise between the Company and such local authority as to the sufficiency of the supply of water in any such parish or part of a parish such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister of Health.

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PART III.
—cont.

For the
protection
of the
Poynings
Parish
Council.

(3) The provisions of this section shall be in addition to and not in derogation of the provisions of section 116 of the Public Health Act 1936.

25.—(1) If at any time the establishment by the Company of Work No. 1 (authorised by this Act) causes a diminution or cesser of the supply of water now being obtained by the Poynings Parish Council from certain springs in the parish of Newtimber the Company will upon the written request of the council afford to the council free of cost a supply of water equal to the amount of such diminution or to the supply which shall have ceased into the existing pipe of the council situate at or near where the said pipe passes under the road leading from Poynings Church to Poynings Village Any works necessary to be carried out in order to enable the Company to afford such free supply into the said pipe shall be carried out by the Company at its own expense :

Provided that the Company shall not be subject to the said obligation if prevented from supplying water hereunder in consequence of frost unusual drought or other unavoidable cause or accident And provided further that the Company shall in no event be under obligation to supply to the said council a greater amount of water than eight thousand gallons per day of twenty-four hours.

(2) (a) At any time after the Company shall have laid a main through the village of Poynings the owner or owners of any premises being supplied with water on the first day of January nineteen hundred and thirty-seven by the said council shall be entitled within a period of three years from the laying of such main at the expense of such owner or owners to connect the premises therewith and to be afforded a supply of water therefrom for domestic purposes free of cost for a period of five years from the date of such connection.

(b) In making any such connection the owner or owners shall comply with any regulations of the Company for the time being in force.

(c) The amount of eight thousand gallons per day referred to in subsection (1) hereof shall be pro tanto reduced when any such owner is connected with the Company's main.

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(3) In any case of dispute the amount from time to time to be supplied by the Company under subsection (1) shall be determined by the clerk to the Cuckfield Rural District Council.

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PART III.
—cont.

(4) Nothing in this section shall affect the obligations of the Company under the Waterworks Clauses Acts.

26.—(1) In order to provide a supply of water to the Poynings Estate belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands the Company shall with all convenient speed after the completion of Work No. 4 by this Act authorised provide and lay a ten-inch main from the Poynings pumping station to the Poynings South Cross Roads at the north corner of enclosure numbered 119 in the parish of Poynings on the 1/2500 Ordnance map sheet Sussex (East) No. LII.8 (edition of 1910) and shall provide and keep a supply of water therein as soon as a reservoir included in Work No. 4 by this Act authorised is brought into use and the water in the said main shall be delivered by the Company under the pressure afforded by the said reservoir Provided however that if at any time hereafter the pressure of water in the said main at the said Poynings South Cross Roads shall be insufficient for the supply of water to the said Poynings Estate and any development on such estate the Company will at their own expense take steps (including if necessary the laying of a further main) to make good any such deficiency.

For pro-
tection
of Crown's
Poynings
Estate.

(2) On receipt at any time from the Commissioners on behalf of His Majesty or from any owner for the time being of the Poynings Manor farmhouse buildings and cottages of a written notice so to do the Company will provide free of charge a supply of water from the said main or from any other main of the Company in the main road at the entrance to the said farm on the enclosure numbered 116 in the parish of Poynings on the 1/2500 Ordnance map sheet Sussex (East) No. LII.7 (edition of 1910) or at such other convenient point as may be agreed for the use of the said Poynings Manor farmhouse buildings and cottages up to an amount of five hundred and forty-eight thousand gallons per year at a rate not exceeding an amount of one thousand five hundred gallons per day of twenty-four hours If water in excess of the said quantity of five hundred and

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PART III.

—cont.

forty-eight thousand gallons per year is taken for the use of the said farmhouse buildings and cottages during any year such excess shall be paid for by the Commissioners on behalf of His Majesty or by the owner for the time being of such premises or their lessees or tenants at the rate of one shilling and sixpence per thousand gallons.

(3) On receipt of a similar notice from the Commissioners on behalf of His Majesty or from any owner for the time being of the Poynings Grange farmhouse buildings and cottages requesting a supply of water for the use of the said Poynings Grange farmhouse buildings and cottages the Company will provide free of charge a supply of water thereto from the said main or from any other main of the Company in the main road at the entrance to the said farm on the enclosure numbered 54 in the parish of Poynings on the 1/2500 Ordnance map sheet Sussex (East) No. LII.7 (edition of 1910) or at such other convenient point as may be agreed up to an amount of five hundred and forty-eight thousand gallons per year at a rate not exceeding an amount of one thousand five hundred gallons per day of twenty-four hours. If water in excess of the said quantity of five hundred and forty-eight thousand gallons per year is taken for the use of the said farmhouse buildings and cottages during any year such excess shall be paid for by the Commissioners on behalf of His Majesty or by the owner for the time being of such premises or their lessees or tenants at the rate of one shilling and sixpence per thousand gallons. Instead of being supplied from the Company's main as hereinbefore provided the Commissioners on behalf of His Majesty or other the owner for the time being of the said premises shall be entitled (subject to the consent of any necessary parties) to connect the said farmhouse buildings and cottages with the present Poynings Village supply pipe near the school house at Poynings and in such a case any supply given by such pipe shall be in addition to any supply agreed to be provided for the village of Poynings under the section of this Act of which the marginal note is "For the protection of the Poynings Parish Council."

(4) The Company shall not be subject to the obligations in regard to the supply of water under any of the provisions of this section if prevented from

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supplying water in consequence of frost unusual drought or other unavoidable cause or accident.

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PART III.
—cont.

27. If at any time the establishment by the Company of Work No. 1 (authorised by this Act) causes a diminution or cesser of the supply of water now being given from certain springs to the premises belonging to one Dorothy Littleboy known as Fox Ash Poynings the Company shall upon the written request of the said Dorothy Littleboy or the owner for the time being of such premises afford free of cost a supply of water equal to the amount of such diminution or to the supply which shall have ceased in such a way and by such means (including the use of any existing apparatus to be maintained in a satisfactory condition by the said Dorothy Littleboy or such owner as aforesaid and the other persons who are entitled to use the said apparatus) or by means of a service pipe connected with any main laid by the Company in the main road passing the said premises (facilities for the laying of which service pipe by the Company shall be given by the said Dorothy Littleboy or such owner as aforesaid) as the Company think fit Provided that the Company shall not be subject to the said obligation if prevented from supplying water hereunder in consequence of frost unusual drought or other unavoidable cause or accident and provided further that the Company shall in no event be under obligation to supply to the said premises a greater amount of water than three hundred and fifty gallons per day.

For protection of premises known as Fox Ash Poynings.

28.—(1) For the purpose of measuring the water flowing down the stream from the pond to the north of Work No. 1 by this Act authorised the Company shall as soon as reasonably practicable after obtaining the grant to them without payment of all such easements and facilities as may be necessary (which grant the Company shall use their best endeavours to obtain) erect and maintain a proper and sufficient measuring gauge and indicating apparatus in the said stream at or near the point at Poynings where such stream passes under the road near the smithy and the said gauge and apparatus shall subject to all necessary consents of the owners lessees and occupiers of the land over which access is required for the purpose be open at all reasonable

For protection of a certain stream.

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PART III.
—cont.

times to the inspection and examination of the corporation and of the River Adur Catchment Board and of all other persons interested in the flow of the said stream.

(2) (a) If it shall be proved to an arbitrator (to be appointed as hereinafter mentioned) by the corporation or by the River Adur Catchment Board or by any other person interested in the flow of the said stream that the pumping by the Company at Work No. 1 by this Act authorised during the construction or after the completion of that work has caused the flow of water in the said stream over the said gauge to be diminished below the rate of forty thousand gallons per day of twenty-four hours the Company shall from and after the completion of the works referred to in paragraph (b) of this subsection from time to time discharge from the said Work No. 1 the amount of such diminution not exceeding ten thousand gallons per day of twenty-four hours into the said pond and also such further quantity of water into the said pond or the said stream as is required to ensure that the flow of water in the said stream over the said gauge is not less than forty thousand gallons per day of twenty-four hours.

(b) The Company shall as soon as reasonably practicable after such proof as aforesaid has been given to the said arbitrator and after obtaining the grant to them without payment of all such easements and facilities as may be necessary (which grant the Company shall use their best endeavours to obtain) construct all such works (in this section referred to as "the discharge works") as may be necessary to enable them to discharge water into the said pond or stream as aforesaid.

(3) Notwithstanding the foregoing provisions of this section the Company shall not be liable to discharge water into the said pond or stream under this section if the owner lessee or occupier of any such land adjoining the said pond or stream shall after reasonable demand refuse to afford to the officers servants or other representatives of the Company at all reasonable times access to the said gauge and apparatus and to the discharge works.

(4) The Company shall not be subject to the obligation of subsection (2) of this section as to discharge of water if prevented from discharging water

thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

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PART III.
—cont.

(5) In the case of any neglect on the part of the Company after the erection of the said gauge and apparatus to maintain the same in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of water shall not be discharged in accordance with the provisions of this section the Company shall pay to the corporation and to the River Adur Catchment Board and to any person who shall sustain any loss damage or injury by such diminution of flow and shall sue for and recover the same the sum of two pounds for every day on which such neglect occurs.

(6) Any question dispute or difference which may arise between the Company and the corporation or the River Adur Catchment Board or any other person interested in the flow of the said stream with respect to the effect of the pumping by the Company as aforesaid or as to the state of efficiency or condition of the said gauge or apparatus shall be referred to the arbitration of a single arbitrator appointed (unless otherwise agreed) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such arbitration.

52 & 53 Vict.
c. 49.
24 & 25 Geo. 5.
c. 14.

29. Section 35 of the Waterworks Clauses Act 1847 shall in its application to the Company be read and construed as if the words "one eighth part" were substituted therein for the words "one tenth part."

Amendment
of section 35
of waterworks
Clauses Act
1847.

30.—(1) If the owner or occupier of any premises outside the limits of supply desires to obtain from the Company a supply of water the Company may with the approval of the Minister of Health and subject to the provisions of this section and to such conditions (if any) as the said Minister may impose supply water to those premises.

Supply of
water by
Company to
premises
outside
limits of
supply.

(2) Before an application is made to the Minister of Health for an approval under this section the Company shall obtain the consent of the county council and of the council of the district within whose area the premises are situate and of any undertakers authorised by an Act or Order to supply water within whose limits of supply the premises are situate.

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PART III.
—cont.

(3) The charge made by the Company for any water supplied for any purpose in pursuance of this section shall not be less than the charge which would be made by the Company for water supplied for a similar purpose within the limits of supply.

(4) Where the Minister of Health has given his approval to a supply of water to any premises by the Company under this section the provisions of the Acts and Orders from time to time relating to the Company shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply to those premises and otherwise for the purposes of and in relation to that supply as if the limits of supply extended as far as and so as to include the premises in respect of which a supply approved by the said Minister is to be given.

(5) (a) Where the Minister of Health has given his approval to a supply of water to any premises by the Company under this section such approval shall cease to have effect and the powers of the Company under this section shall cease with respect to those premises when the local authority within whose area or the undertakers for the supply of water within whose limits of supply the premises are situate are able and willing to give a supply of water to such premises and give not less than one month's notice thereof to the Company.

(b) When such local authority or undertakers commence to supply water to any premises in pursuance of this subsection they shall pay to the Company such portion of the expenditure incurred by the Company within the area of the local authority or within the limits of supply of the undertakers as the case may be in giving a supply to the premises as may be agreed or failing agreement as may be determined by arbitration and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

As to streets forming boundary of limits of supply.

31.—(1) Where the limits of supply are bounded by or abut upon any street or part of a street wholly outside those limits the Company may for the purpose of supplying water to the owner or occupier of any premises abutting upon that street or part of a street and being within the limits of supply exercise with

[1 EDW. 8. &
1 GEO. 6.]

*Burgess Hill Water
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respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the limits of supply subject nevertheless to the observance of the conditions imposed on an exercise of those powers.

(2) The owner or occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Company and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street or part of a street were wholly within the limits of supply.

(3) Nothing in this section shall entitle or require the Company to supply water to the owner or occupier of any premises abutting upon any such street and being outside the limits of supply.

(4) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

32.—(1) Notwithstanding anything in this or any other Act or any Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take a supply of water by meter and to pay to the Company such minimum charges as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

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PART III.
—cont.

Special
terms for
supplies to
caravans
&c.

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PART III.
—cont.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of or incorporated with this Act the Company shall not (unless required so to do by the Minister of Health) begin to supply water to any such caravan shack hut tent or structure as aforesaid if the local authority of the district in which such caravan shack hut tent or structure is situate objects to the supply being given.

(4) For the purpose of ascertaining whether or not the local authority of the district in which the caravan shack hut tent or structure is situate objects to such supply being given the Company shall before affording such supply give to such local authority not less than fourteen days' notice in writing of their intention so to do.

Supplies to swimming baths and bathing pools.

33. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Company may require that all water required for such swimming bath or bathing pool shall be taken by meter and paid for at the rate for the time being in force for the supply of water by meter.

Modification of provisions affecting water charges.

11 & 12
Geo. 5. c. 44.

34. In the application to the Company of the Water Undertakings (Modification of Charges) Act 1921 subsection (2) of section 1 of that Act shall have effect as if—

(a) after the words "substantially altered" the following words were inserted namely "or that
"the revenue derivable by the undertakers
"from the water rates which they are authorised
"to charge or the amount of rates payable
"by the undertakers has been increased through
"the coming into force of new valuation lists
"made under the Rating and Valuation Act
"1925";

15 & 16
Geo. 5. c. 90.

[1 EDW. 8. &
1 GEO. 6.]

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(b) after the word "charging" the following words were inserted namely "and in any such amending order regard shall be had to such increase of such revenue."

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PART III.
—cont.

35.—(1) In the case of all premises connected after the passing of this Act with the mains of the Company the Company may in cases where the communication pipes are laid by the person requiring the supply or by the Company at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position to be reasonably approved by the road authority in the footway of the street in which such pipe is laid or if there be no footway in a position as near as reasonably practicable to the premises supplied and if such person fails to comply with such requirement the Company may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

Stop-cocks
&c. to be
fitted in
communi-
cation
pipes.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises within the limits of supply the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Company may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street within the limits of supply execute such works on behalf of such person and any expenses incurred by the Company in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

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PART III.
—cont.

Extension
of powers
for pre-
venting
waste &c.
of water.

23 & 24

Geo. 5. c. 51.

36.—(1) In addition to the powers conferred by section 54 (Regulations for preventing waste of water) of the Burgess Hill Water Act 1886 the Company may make byelaws as to the testing and stamping of valves fittings and other apparatus and prescribing the charge to be made for such testing and stamping and all byelaws made under that section as amended by this section shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and those provisions shall for the purpose of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary were the clerk to the local authority The confirming authority for the purpose of the said section 250 shall be the Minister of Health.

(2) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any pipes or fittings used on any premises which form part of the railway of a railway company so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Company.

(3) Any person who shall forge or counterfeit any stamp or mark used by the Company or by the authority of the Company for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

Company
to connect
communica-
tion and
service
pipes with
mains.

37. Notwithstanding anything contained in any Act or Order relating to the Company the Company shall have the exclusive right of executing any work on any of the water mains of the Company for connecting any communication or service pipes therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work and supply all fittings and materials which

[1 EDW. 8. &
1 GEO. 6.]

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shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

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PART III.
—cont.

38.—(1) For the purpose of complying with any obligations under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Opening
of ground
by persons
liable to
maintain
pipes &c.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

39. If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Company for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as water rates are recoverable by the Company Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have

Power to
Company
to repair
communica-
tion pipes.

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PART III.
—cont.

given to the occupier of such house or premises and (in any case where the communication pipe is repairable by the owner of the said house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Injuring
meters.

40.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recoverable in the like manner as water rates are recoverable by the Company.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie

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1 GEO. 6.]

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evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

A.D. 1937.

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PART III.
—cont.

PART IV.

FINANCIAL PROVISIONS.

41. The Company may from time to time raise additional capital not exceeding in the whole thirty-six thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds :

Power to
Company
to raise
additional
capital.

Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the sum of thirty-six thousand pounds.

42.—(1) Save as otherwise expressly provided by this Act all ordinary and preference shares or stock created by the Company after the passing of this Act shall be issued in accordance with the provisions of this section.

Sale of
shares or
stock by
auction or
tender.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the directors shall from time to time determine Provided as follows :—

(a) Notice of the intended sale shall be given in writing to the clerk of each local authority within the limits of supply of the Company and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in one or more local newspapers circulating within the limits of supply ;

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PART IV.
—cont.

- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister of Health not less than twenty-four hours before but not to be opened until after the day of auction or last day for the reception of tenders as the case may be;
- (c) In the case of a sale by auction no lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds and a bid (other than the first bid) shall not be recognised unless it is in advance of the last preceding bid;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of ordinary or preference shares or stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee or of any consumer of water supplied by the Company;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18, 19 and 20 of the Companies Clauses Act 1863 and to the employees and to the consumers of water supplied by the Company in such proportions as the directors may think fit or to one or more of those classes of persons only:

Provided that in the case of an offer to holders of shares or stock if the aggregate amount of any class of shares or stock applied for shall exceed the amount thereof so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly

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1 GEO. 6.]

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as may be in proportion to the amounts applied for by them respectively. A.D. 1937.

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PART IV.
—cont.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold may be disposed of for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Minister of Health stating the total amount of each class of shares or stock sold the total amount (if any) obtained as premium and the highest and lowest price obtained for each class of shares or stock.

43. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one third part of the amount of the additional capital which at the time of borrowing has been raised under the powers of this Act But no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the stock or shares at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up. Power to borrow.

44. The following sections of the Act of 1925 shall apply to any shares stock debenture stock or mortgages created issued or granted under the powers of this Act and to the holder of any such shares stock debenture stock or mortgages to the like extent and in like manner as those sections apply to any shares stock or debenture stock issued or granted under the powers of the Act of 1925 (but not further or otherwise) and for the purposes of such application the said sections with any necessary modifications shall be deemed to be re-enacted in this Act :— Application of financial sections of Act of 1925.

Section 20 (Incidents of new shares or stock);

Section 21 (Dividends on new shares or stock);

Section 22 (Restrictions as to votes in respect of preference shares or stock);

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PART IV.
—cont.

- Section 23 (Profits of Company on additional capital limited);
- Section 24 (Dividend on different classes of stock or shares);
- Section 27 (Application of moneys);
- Section 29 (Existing mortgages to have priority);
- Section 30 (For appointment of receiver);
- Section 31 (Debenture stock);
- Section 32 (Issue of redeemable preference capital and debenture stock);
- Section 33 (Priority of money raised on mortgage or debenture stock);
- Section 34 (Receipt in case of persons not sui juris).

Special
provision
for benefit
of small
investors.

45. Notwithstanding anything in any Act or Order relating to the Company the directors may with the approval of a resolution of a general meeting of the Company reserve a proportion not exceeding one-fourth of each future issue of ordinary or preference shares or stock of the Company for exclusive offer in the first instance to consumers of water supplied by the Company and to employees at such price and upon such terms and conditions as to payment therefor and the payment of dividends thereon until the same become fully paid as the directors may prescribe :

Provided that every allotment of shares or stock under this section shall be at a price not less than the reserve price at which the like class of shares or stock of the same issue shall be offered under the provisions of subsection (2) of the section of this Act of which the marginal note is " Sale of shares or stock by auction or tender."

Sale of
shares or
stock to
employees
and con-
sumers at a
fixed price.

46. When any ordinary or preference shares or stock are to be issued by the Company and whether any of the shares or stock of the Company are at a premium or not the Company before or in lieu of offering the same for sale by public auction or tender may with the previous approval of the Minister of Health and subject to such conditions as that Minister may think fit to impose offer such ordinary or preference shares or stock to employees and to the consumers

[1 EDW. 8. &
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of water supplied by the Company at not less than the average price (after due allowance made for any enhancement in price by reason of any accrued dividend) at which according to the books of the Company sales of shares or stock of the same class were effected within the period of six months immediately preceding the date of application by the Company for such approval as aforesaid.

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PART IV.
—cont.

47. Notwithstanding anything in any Act or Order relating to the Company the Company may with the approval of the Minister of Health and subject to such conditions as the said Minister may think fit to impose offer for subscription by the public any ordinary or preference shares or stock which they may for the time being be authorised to issue.

Power to
offer shares
or stock for
subscription
by public.

48. The Company when ordinary or preference shares or stock are to be issued may with the approval of the Minister of Health and subject to such conditions as the said Minister may think fit to impose pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such shares or stock or procuring or agreeing to procure subscriptions whether absolute or conditional therefor :

Provisions
as to pay-
ment of
commission
on sale of
shares or
stock.

Provided that—

- (a) the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the issue of the ordinary or preference shares or stock; and
- (b) nothing in this section shall affect any power of the Company to pay brokerage.

49. The Company may apply to any of the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares stock debenture stock or mortgage under and by virtue of the Burgess Hill Water Acts and Orders 1871 to 1925.

Application
of funds.

A.D. 1937.

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PART IV.
—*cont.*
Restriction
upon back
dividends.

50. Notwithstanding anything in the Waterworks Clauses Act 1847 or any other Act or Order relating to the Company it shall not be lawful for the Company to apply any of their funds or profits to the making up of the deficiency of any dividends paid or payable in respect of any half-year or year prior to the twenty-fifth day of March nineteen hundred and twenty-three.

As to re-
served and
contingency
funds.

51.—(1) The aggregate amount which may be carried by the Company in any year to any reserved fund formed in pursuance of section 76 of the Waterworks Clauses Act 1847 and to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall together not exceed a sum equal to one per centum of the capital for the time being expended by the Company for the purposes of the undertaking.

(2) The aggregate amount standing to the credit of any such reserved fund and contingency fund of the Company as aforesaid shall together not at any time exceed a sum equal to ten per centum of the capital for the time being expended by the Company for the purposes of the undertaking.

Limitation
on carry
forward.

52. It shall not be lawful for the Company to carry forward at the end of any year to the credit of the profit and loss (net revenue) account any sum exceeding the total of the following amounts (that is to say) :—

- (a) The amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year;
- (b) An amount equal to the total sum which the Company would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year; and
- (c) An amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages debentures or debenture stock.

[1 EDW. 8. &
1 GEO. 6.]

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PART V.

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MISCELLANEOUS.

53. The provisions of section 11 (For the protection of the county council of East Sussex) of the Burgess Hill Water Order 1908 shall extend and apply to the works and operations of the Company which in any way affect any county road or county bridge or any other bridge carrying a county road as if that section had been re-enacted in this Act and as if the words "county road" had been inserted instead of the words "main road" and as if the expression "county bridge" extended and applied to all such bridges as aforesaid and as if the words "the Company" had been inserted instead of the words "the Undertakers" and as if the following subsection had been inserted:—

For pro-
tection of
county
council of
East Sussex.

"(10) If the Company in the execution of any works in or affecting any county road or county bridge shall cause any damage injury or disturbance to such road or bridge and shall have failed to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the council after reasonable notice to the Company of the alleged failure and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the council all costs charges and expenses which the council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence."

54. As respects any trunk road or any bridge over which a trunk road passes—

As to trunk
roads &c.

(a) the provisions of section 11 of the Burgess Hill Water Order 1908 shall extend and apply to the works and operations of the Company which in any way affect any such road or bridge as if—

(i) the words "trunk road" had been inserted instead of the words "main road";

(ii) the expression "bridge over which a trunk road passes" had been inserted instead of the words "county bridge";

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PART V.
—cont,

(iii) the words "the Company" had been inserted instead of the words "the Undertakers";

(iv) the words "President of the Institution of Civil Engineers" had been inserted instead of the words "Board of Trade";

(b) references in the said section to the council or to their clerk or surveyor shall be construed as references to the Minister of Transport and any consent or direction to be given by such council clerk or surveyor under the provisions of the said section shall in relation to any such road or bridge be given by the Minister of Transport;

(c) the said section shall be read and have effect as if the following subsection had been inserted:—

"(10) If the Company in the execution of any works in or affecting any trunk road or bridge over which a trunk road passes shall cause any damage injury or disturbance to such road or bridge and shall have failed to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the Minister of Transport after reasonable notice to the Company of the alleged failure and of the works which he proposes to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the Minister of Transport all costs charges and expenses which he shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence."

Company
not bound
to regard
trusts.

55. The Company shall not be bound to see to the execution of any trusts whether express implied or constructive to which any stock or debenture stock may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any stock or debenture stock of the Company as if the same were shares in the capital of the Company.

[1 EDW. 8. &
1 GEO. 6.]

*Burgess Hill Water
Act, 1937.*

[Ch. xxxiv.]

A.D. 1937.

PART V.

—cont.

56. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order from time to time relating to the Company by reason of his being liable to the payment of any water rent meter rent rate or charge.

Liability
to water
rent &c.
not to
disqualify
justices &c.

57. Where the payment of more than one sum by any person is due under any one or more of the Acts or Orders from time to time relating to the Company any summons or warrant issued for the purposes of any one or more of such Acts or Orders in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several
sums in one
summons.

58. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed by or recoverable under any Act or Order for the time being relating to the Company or any byelaw or regulation made in pursuance thereof may be prosecuted and recovered in a summary manner :

Recovery of
penalties
&c.

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

59.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director at a general meeting of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the principal office of the Company ten days at least before the day of election and the secretary shall during such ten days and on the day of election keep fixed in some conspicuous place in such office a copy of every such notice so delivered.

Notice of
candidature
of or of
opposition
to re-elec-
tion of
director.

(2) In the case of a retiring director notice of opposition to his re-election shall be given in like manner.

(3) No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of shares or stock for at least two months prior to his election.

A.D. 1937.

—
PART V.
—cont.
Repeal.

60. The following enactments are hereby repealed:—

The Burgess Hill and Saint John's Common Water Order 1871—

Section 3 (Interpretation) the words from "Provided that" to "statute";

Section 28 (Penalty for injuring meters &c.);

Section 29 (Penalty for mis-user of water by tenant of one of several tenements in a row);

Section 30 (Incoming tenants not liable to pay arrears of water rents);

Section 31 (Several names in one summons or warrant);

Section 32 (Warrant of distress shall include costs);

Section 33 (Liability to water rate not to disqualify justices from acting).

The Burgess Hill and Saint John's Common Water Order 1877—

The proviso to section 4 (Interpretation).

The Burgess Hill Water Act 1886—

Section 3 (Interpretation) the words from "and for the purposes" to the end of the section;

Section 64 (Fraudulently injuring meters &c.);

Section 68 (Several names in one warrant);

Section 69 (Costs of distress);

Section 70 (Liability to rates not to disqualify justices);

Section 71 (Incoming tenant not liable for arrears).

The Act of 1925—

Section 25 (New shares or stock to be sold by auction or tender);

Section 26 (Power to offer unissued capital by subscription).

[1 EDW. 8. &
1 GEO. 6.]

*Burgess Hill Water
Act, 1937.*

[Ch. xxxiv.]

61. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of His Majesty first had and obtained for that purpose.

A.D. 1937.

—
PART V.
—cont.

Crown
rights.

62. All costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be defrayed out of revenue.

Costs of
Act.

The SCHEDULES referred to in the foregoing Act.

A.D. 1937.

FIRST SCHEDULE.

CAPITAL OF THE COMPANY AUTHORISED BY THEIR PREVIOUS ACTS AS AT 29TH SEPTEMBER 1936.

Description of capital.	Rate of dividend.	Number of shares issued.	Nominal amount.	Total paid up.	Premiums received.	Remaining to be issued.	Total amount authorised.
Act of 1886—	Per cent.		£	£	£ s. d.	£ s. d.	£
Original shares (ordinary) - -	10	1,950	10	19,500	Nil	Nil	19,500
Additional shares (ordinary) - -	7	1,050	10	10,500	Nil	Nil	10,500
Preference shares - - - -	—	None issued					
Act of 1901—							
Additional shares (ordinary) - -	7	2,486	10	24,860	5,140 0 0	Nil	30,000
Preference shares - - - -	—	None issued					
Act of 1925—							
Additional shares (ordinary) - -	7	364	10	3,640	435 10 0	14,301 10 0	30,000
Preference shares (redeemable after 29th September 1956) - - -	4½	1,000	10	10,000	1,623 0 0		
				£68,500	£7,198 10 0	£14,301 10 0	£90,000
			Rate of interest.	Total amount borrowed.	Remaining to be borrowed.	Total amount authorised.	
			Per cent.	£	£	£	
Loans under Acts of 1886 1901 and 1925 -			3¾ 4	} 19,735	7,890	27,625	
Mortgage debentures - - - -			4½ 5				

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[Ch. XXXIV.] Burgess Hill Water Act, 1937. [1 Edw. 8. & 1 Geo. 6.]

[1 EDW. 8. &
1 GEO. 6.]

*Burgess Hill Water
Act, 1937.*

[Ch. xxxiv.]

SECOND SCHEDULE.

A.D. 1937.

AN AGREEMENT made the fifth day of March 1937 between THE BURGESS HILL WATER COMPANY (hereinafter called the "Company") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF BRIGHTON (hereinafter called the "Corporation") of the other part.

Stamp.

Ten
shillings.

WHEREAS the Company were incorporated by the Burgess Hill Water Act 1886:

And whereas by that Act and later Acts and Orders the Company were authorised to construct and maintain water-works and to supply water within certain limits in the county of Sussex:

And whereas the demands for water within the Company's limits of supply are increasing and the Company require additional sources of supply:

And whereas the Corporation are the owners of an area of land situated at Saddlescombe in the parish of Newtimber in the said county upon which they have constructed a borehole and pumping station from which certain supplies of water are being given by the Corporation otherwise than in connection with their water undertaking:

And whereas the Company have been advised that the best available source for additional water is in the vicinity of the said borehole:

And whereas the Company are promoting a Bill in the 1936-1937 session of Parliament to authorise them to utilise and develop the said borehole and to construct additional works for the abstraction of water in the vicinity thereof and to acquire the said land borehole and pumping station together with certain easements over other lands belonging to the Corporation and for other purposes:

And whereas an agreement has been made between the Company and the Corporation:

Now this agreement witnesseth—

1. Subject as hereinafter provided the Company shall deliver from their works constructed or to be constructed at Poynings under the provisions of the Bill into the existing main of the Corporation at a point adjoining the existing borehole in the said existing main three feet from the south wall of the

A.D. 1937. existing pump house a supply of water sufficient to meet the following requirements (namely) :—

—
2ND SCH.
—cont.

(1) An amount sufficient to make up the daily flow of water from the existing ram through the rising main leading to the property known as Saddlescombe Farm to a maximum (if required) of one thousand gallons; and

(2) Such amount (additional to the amount specified in the last preceding subparagraph) as may be required by the Corporation up to a daily maximum of ten thousand gallons Provided always as follows :—

(a) The obligation of the Company hereunder in relation to the supply of water to Saddlescombe Farm shall be subject to the Company having from the owner and occupier of Saddlescombe Farm reasonable facilities for installing in the rising main leading to such property proper stop valves and meters for regulating and measuring the supply of water and reasonable facilities for inspecting repairing or renewing such stop valves or meters;

(b) There shall be reserved to the Corporation the right for the Corporation by its waterworks engineer contractors or others to enter and inspect the stop valves meters and connections used for the delivery of the said supplies into the Corporation's main at the said point;

(c) The necessary mains for connecting the Corporation's main at the said point with the Company's source of supply and the stop valves and meters for regulating and measuring the several supplies shall be supplied laid and installed and henceforth maintained by and at the expense of the Company to the reasonable satisfaction of the waterworks engineer for the time being of the Corporation;

(d) The 2½ inch main into which the said supplies are to be delivered has been installed and shall henceforth be maintained by and at the expense of the Corporation to the reasonable satisfaction of the Company and the said supply shall be delivered by the Company at a sufficient pressure to enable the water to flow into the existing storage tank at the Dyke Hotel In the event of such 2½ inch main being insufficient to enable the maximum quantity of water provided by this agreement to be delivered by the Company within a period of eight hours the Corporation shall at their own expense lay such larger or additional main as may be necessary for the purpose;

(e) The Corporation shall be at liberty to use the water delivered into the said 2½ inch main by the Company for the supply of the properties known as "Fox Ash" Saddlescombe Farm Dyke Hotel Dyke Golf Club and the Fulking Isolation Hospital and any enlargements of or additions to such buildings or any new buildings which may be erected in substitution for the existing buildings on those properties and not (without the previous consent in writing of the Company) for the supply of other consumers than the occupants for the time being of those properties;

(f) The Corporation shall pay the Company for all water delivered under this agreement (except such water as is delivered under subparagraph (1) of this paragraph up to the maximum stated in that subparagraph) at the rate of sixpence per thousand gallons;

(g) The Company undertakes with the Corporation that all water delivered into the Corporation's main under this agreement shall be of as pure and wholesome quality as the Company from time to time is by statute required to supply within its statutory area of supply;

(h) The Company shall be bound to deliver and the Corporation shall be entitled to receive into their mains from the Company the total of the several supplies of water which the Company hereby undertake to afford in priority to all other supplies afforded by the Company by means of Work No. 1 by this Bill to be authorised but as to the supplies provided for in subparagraph (1) of this paragraph only as and when so requested by the owner or occupier of Saddlescombe Farm and provided that the owner or occupier thereof shall take all reasonable steps to maintain in a proper state of efficiency the water pipes and apparatus whereby the present water supply to such farm is being wholly or partially afforded Without prejudice to the Corporation's right of priority the obligations of the Company to afford such supplies shall cease or shall be suspended if and so far as the Company may be wholly or partly prevented from affording such a supply by frost unusual drought or other unavoidable cause or accident and so long as the Company shall diligently endeavour by the best means available to them to overcome such obstacle to the supply.

A.D. 1937.

—
2ND SCH.
—cont.

A.D. 1937.

—
2ND SCH.
—cont.

The Company shall also at their own expense provide and supply free of cost with an adequate supply of water a reasonable number of cattle troughs on that part of Saddlescombe Farm which adjoins the land upon which Work No. 1 is to be constructed for the watering of the cattle on that farm unless prevented as aforesaid up to an amount not exceeding one thousand gallons a day of twenty-four hours.

2. This agreement is made subject to the approval of Parliament and to such alteration as Parliament may think fit to make therein but if the committee on the Bill in either House of Parliament make any material alteration therein it shall be competent to either party to withdraw from the same.

In witness whereof the parties hereto have hereunto set their common seals the day and year first before written.

The common seal of the BURGESS HILL
WATER COMPANY was hereunto affixed
in the presence of—

The seal of
the Burgess
Hill Water
Company.

SAML. T. MAYNARD }
THOMAS HOLMAN } Directors.
F. HUMPHERY SMITH }
Secretary.

The common seal of the COUNTY
BOROUGH OF BRIGHTON was hereunto
affixed in the presence of—

The
common seal
of the county
borough of
Brighton.

JOHN ROUTLEY
Mayor.
J. G. DREW
Deputy town clerk.

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