



CHAPTER cxxiv.

An Act to provide for the transfer of the undertaking of the Bexhill Water and Gas Company to the Bexhill Corporation to authorise the Corporation to supply water and gas in and in the neighbourhood of their borough to make further provision with regard to the health improvement and good government of the borough and the consolidation of rates and for other purposes. [10th December 1925.]

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WHEREAS the borough of Bexhill (in this Act called "the borough") is under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas the Bexhill Water and Gas Company (in this Act called "the company") were incorporated under the Bexhill Water and Gas Act 1885 and are authorised by that Act and by Acts in the years 1892 1896 and 1904 to supply water and gas within the limits of supply authorised by those Acts which include the borough:

And whereas it is expedient that the Corporation should be empowered to acquire the undertaking of the company and to supply water and gas within the limits of supply of the company:

And whereas it is expedient that the Corporation should be empowered to construct the waterworks

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A.D. 1925. — authorised by this Act and to exercise the further powers with regard to the supply of water and gas contained in this Act :

And whereas it is expedient that further provision should be made with regard to the health local government and improvement of the borough as by this Act provided :

And whereas it is expedient to provide for the consolidation of the rates levied in the area of the borough :

And whereas it is expedient that the other provisions contained in this Act be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For and in connection with the water-works authorised by this Act - -	20,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county 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 A.D. 1925.
of the same as follows (that is to say) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Bexhill Corporation Short title:
Act 1925.

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

Division of
Act into
Parts.

- Part I.—Preliminary.
- Part II.—Transfer of undertakings.
- Part III.—Supply of water.
- Part IV.—Supply of gas.
- Part V.—Streets buildings sewers drains &c.
- Part VI.—Infectious disease and sanitary provisions.
- Part VII.—Food.
- Part VIII.—Public buildings baths parks &c.
- Part IX.—Vehicles police &c.
- Part X.—Electricity.
- Part XI.—Rating provisions.
- Part XII.—Financial provisions.
- Part XIII.—Miscellaneous.

3. The following Acts and parts of 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) :—

Incorporation of Acts.

(1) The Lands Clauses Acts with the following exception and modification :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act ;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section ;

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(2) The Waterworks Clauses Act 1847 except—

(a) 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;

(b) sections 75 to 82 (with respect to the
amount of profit to be received by the under-
takers when the waterworks are carried on
for their benefit); and

(c) section 83 (with respect to the yearly
receipt and expenditure of the undertakers);

(3) The Waterworks Clauses Act 1863;

(4) The Gasworks Clauses Act 1847 (except the
provisions with respect to the amount of profit
to be received by the undertakers when the
gasworks are carried on for their benefit and
with respect to the yearly receipt and expendi-
ture of the undertakers) Provided that section
13 of that Act shall be read as if the words
“or any premises” were inserted after the
words “private building” and as if the words
“Provided also that every such contract entered
“into by the Corporation shall be alike in
“terms and amount under like circumstances
“and for the same purposes to all consumers”
were added at the end of that section;

(5) The Gasworks Clauses Act 1871 (except sec-
tions 7 8 and 35 thereof); and

(6) The provisions contained in the schedule to the
Electric Lighting (Clauses) Act 1899 as amended
by the Electricity (Supply) Acts 1909 to 1922.

Interpreta-
tion.

4.—(1) In this Act the several words and expressions
to which meanings are assigned by the Acts wholly or
partially incorporated herewith or by the Public Health
Acts or referred to therein have the same respective
meanings unless there be something in the subject or
context repugnant to such construction And in this
Act unless the subject or context otherwise requires—

“The Corporation” means the mayor aldermen and
burgesses of the borough of Bexhill;

“The borough” means the borough of Bexhill;

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- “ The council ” means the council of the borough ;
- “ The mayor ” “ the town clerk ” “ the treasurer ”
“ the surveyor ” “ the medical officer ” and
“ the sanitary inspector ” mean respectively
the mayor the town clerk the treasurer the
surveyor the medical officer of health and any
sanitary inspector of the borough and respec-
tively include any person duly authorised to
discharge temporarily the duties of those offices ;
- “ The borough fund ” “ the borough rate ” “ the
district fund ” and “ the general district rate ”
mean respectively the borough fund the borough
rate the district fund and the general district
rate of the borough ;
- “ Daily penalty ” means a penalty for each day on
which an offence is continued by a person after
conviction ;
- “ Hackney carriage ” means a hackney carriage as
defined by the Town Police Clauses Act 1847
and does not include an omnibus as defined by
the Town Police Clauses Act 1889 ;
- “ Infectious disease ” means any infectious disease
to which the Infectious Disease (Notification)
Act 1889 is for the time being applicable within
the borough ;
- “ Child ” means a person under the age of sixteen
years ;
- “ The water undertaking ” “ the gas undertaking ”
and “ the electricity undertaking ” mean respec-
tively the water undertaking the gas undertaking
and the electricity undertaking of the Corpora-
tion ;
- “ Revenues of the Corporation ” includes the
revenues of the Corporation from time to time
arising from any land undertakings or other
property for the time being of the Corporation
and the rates or contributions leviable by or
on the order or precept of the Corporation ;
- “ Statutory security ” means any security or invest-
ment in which trustees are for the time being
by or under any Act of Parliament passed or
to be passed authorised to invest trust money
and any mortgage bond debenture debenture

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stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;

“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed ;

“ The company ” means the Bexhill Water and Gas Company ;

“ The scheduled agreement ” means the agreement dated the twenty-seventh day of May nineteen hundred and twenty-five and made between the company of the one part and the Corporation of the other part and set forth in the First Schedule to this Act ;

“ The undertaking of the company ” means the water and gas undertakings of the company described in the scheduled agreement ;

“ The day of transfer ” means the day defined in clause 8 of the scheduled agreement ;

“ The gas limits ” and “ the water limits ” mean respectively the limits of the Corporation for the supply of water and gas and both include the borough and parish of Bexhill and the parishes of Ninfield Hooe Catsfield Wartling and Ashburnham and so much of the parish of Hurstmonceaux as is not within the limits

of the Hailsham Water Company as defined A.D. 1925.
by the Hailsham Water Act 1885 all in the
county of East Sussex; —

“The Lands Clauses Acts” means the Lands Clauses
Acts as modified by the Acquisition of Land
(Assessment of Compensation) Act 1919 and by
this Act.

(2) In the construction of the provisions of the
Lands Clauses Acts and of the Waterworks Clauses Acts
1847 and 1863 incorporated with this Act the expressions
“the promoters of the undertaking” and “the under-
takers” mean respectively the Corporation.

PART II.

TRANSFER OF UNDERTAKINGS.

5.—(1) The scheduled agreement is hereby con- Confirmation of
firmed and made binding upon the parties thereto and scheduled
effect may and shall be given thereto accordingly subject agreement.
to such modifications (if any) as may be agreed between
the said parties in writing under their respective common
seals.

(2) The sale of the undertaking of the company
shall be carried into effect on or before the thirty-first
day of December one thousand nine hundred and
twenty-five by a deed which may be in the form set
forth in the Second Schedule to this Act or to the like
effect or in such other form as may be agreed between
the company and the Corporation and on the execution
of the deed by the company the undertaking of the
company shall by virtue of the deed and of this Act be
transferred to and become vested in the Corporation and
such transfer and vesting are referred to in this Act as
“the transfer.”

6.—(1) The debenture stock of the company out- Company's
standing at the day of transfer shall subject as regards debenture
the debenture stock issued to the Westminster Bank stock to
Limited to the provisions of the scheduled agreement become a
thereafter become a charge on the revenues of the charge on
Corporation and shall rank *pari passu* with all other revenues of
mortgages issued by the Corporation. Corpora-
tion;

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(2) The interest on such debenture stock shall be charged indifferently upon the revenues of the Corporation.

Actions &c.
not to abate
and penal-
ties to be
recoverable.

7.—(1) Subject as between the Corporation and the company to the provisions of the scheduled agreement and without prejudice to any remedy over by the Corporation against the company under that agreement no action suit prosecution or other proceeding whatsoever commenced either by or against the company in relation to any property right privilege debt liability or obligation transferred to the Corporation shall abate or be discontinued or prejudicially affected by reason of the transfer but the same shall continue and take effect either in favour of or against the Corporation in the same manner in all respects as the same would have continued and taken effect in relation to the company if the transfer had not been made and all penalties incurred by reason of any offence against the provisions of any enactments of the company previously to the day of transfer may be sued for and all offences committed against such provisions previously to the day of transfer may be prosecuted by the Corporation in such or the like manner to all intents and purposes as such penalties might have been sued for or such offences prosecuted if the transfer had not taken place and all moneys payable to the company prior to the day of transfer may be sued for and recovered by the Corporation in the same manner in all respects as the same might have been sued for and recovered by the company if this Act had not been passed.

(2) This section shall not apply to any proceedings relating to the amount due to the shareholders of the company in respect of their several shares in the capital of the company.

Contracts to
be binding
on Corpora-
tion.

8. Subject to the provisions of the scheduled agreement all agreements contracts deeds and other instruments affecting the company and in force at the day of transfer shall after that day be as binding and of as full force and effect against or in favour of the Corporation and may be continued or enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Books &c.
to remain
evidence.

9. All books and documents which if the transfer had not been made would have been evidence in respect

of any matter for or against the company shall be admitted in evidence in respect of the same and the like matter for or against the Corporation. A.D. 1925.
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10.—(1) From and after the day of transfer the company shall continue to exist only for the purpose of receiving and recovering the sums payable to the company under the scheduled agreement and distributing or otherwise applying the same and of winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the company. The directors of the company who are in office on the day of transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section. If the number of directors of the company be reduced by death resignation or otherwise below three before the completion of the winding up the continuing directors shall from time to time choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused. Company to wind up affairs.

(2) (a) As soon as may be practicable after the day of transfer the directors of the company shall proceed to wind up the affairs of the company and shall distribute the net moneys of the company after defraying the expenses of winding up the company and any outgoings incidental thereto to and amongst the shareholders of the company as follows :—

To every holder of preference shares of the company such a sum as with the dividends which may have been paid on his shares since the dividend paid to the thirty-first day of December one thousand nine hundred and twenty-four shall be equal to the rate of five pounds per centum upon such shares for the year ending the thirty-first day of December one thousand nine hundred and twenty-five together with a further sum of ten pounds for every preference share held by him ;

To every holder of original ordinary shares of the company such a sum as with the dividends which may have been paid on his shares since the dividend paid to the thirty-first day of December

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one thousand nine hundred and twenty-four shall be equal to the rate of eight pounds per centum upon such shares for the year ending the thirty-first day of December one thousand nine hundred and twenty-five;

To every holder of additional ordinary shares of the company such a sum as with the dividends which may have been paid on his shares since the dividend paid to the thirty-first day of December one thousand nine hundred and twenty-four shall be equal to the rate of five pounds twelve shillings per centum upon such shares for the year ending the thirty-first day of December one thousand nine hundred and twenty-five;

and the company shall pay and distribute the net residue remaining in their hands in the proportion of ten and seven among the holders of the original ordinary and additional ordinary shares respectively who on the day of transfer were the registered holders of such ordinary shares or their respective executors administrators or assigns according to the holding of each shareholder.

(b) For the purpose of this subsection the several persons whose names shall appear in the books of the company at the day of transfer to be the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the company and the receipt in writing of such persons or of their executors administrators or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors thereof.

(3) Where the directors of the company are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same the directors may pay the said money in manner provided for payment of money into court by any Act for the time being in force for the relief of trustees and where the amount does not exceed five hundred pounds the directors may pay the same into the county court of Sussex holden at Hastings and every such payment into court shall effectually discharge

the company and the directors from all further liability with respect to such money Upon the provisions of the scheduled agreement and of this section being carried into effect the company shall ipso facto be dissolved. A.D. 1925.
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11. From and after the day of transfer the Acts and Orders relating to the company shall be repealed except so much of them as authorises the construction of works for taking and intercepting water for supply and specifies the lands upon which they were to be constructed. Repeal of company's Acts and Orders.

PART III.

SUPPLY OF WATER.

12. The Corporation may maintain repair renew alter enlarge and extend or may discontinue the wells and pumping stations reservoirs mains pipes and other waterworks for the time being belonging to them by virtue of this Act and may use and employ the same for the purpose of taking intercepting and supplying water and may take and intercept any water which might have been taken or intercepted by the company if this Act had not been passed and may sell and supply water within the water limits. Power to maintain waterworks and supply water.

13. Subject to the provisions of this Act the Corporation may for the purposes of this Act and of their water undertaking enter upon take acquire hold and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference. Acquisition of lands.

14. 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 after the passing of this Act. Period for compulsory purchase of lands.

15. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by the Corporation shall as from the date of such acquisition be extinguished Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement. Extinction of private rights of way.

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—
Power to
make water-
works.

16.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described.

The said works will be situate in the parish of Hurstmonceux in the rural district of Hailsham in the county of East Sussex and are—

Work No. 1 A well and pumping station with adits boreholes headings pumps pumping engines engine and boiler houses tanks dwelling-houses and other works in the enclosure numbered 1159 on the $\frac{1}{2500}$ Ordnance map sheet LVI-2 (edition of 1909) of the said parish ;

Work No. 2 A line or lines of pipes commencing at the said well and pumping station (Work No. 1) and terminating at or near the eastern corner of the said enclosure by a junction with the existing water main of the company in the said enclosure.

(2) In addition to the works hereinbefore described the Corporation may upon any lands for the time being belonging to them or over which they have or obtain easements make and maintain all such buildings machinery roads filters works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the Corporation's water-works or necessary for inspecting maintaining repairing cleansing managing working or using the same but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

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 not exceeding ten feet upwards and to any extent downwards.

Period for
completion
of works.

18. If the works authorised by this Act and delineated on the deposited plans are not completed within

five years from the thirty-first day of December nineteen hundred and twenty-five then on the expiration of that period the powers granted by this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

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19. Subject to the provisions of this Act the works by this Act authorised shall for all purposes be deemed part of the water undertaking of the Corporation.

Works to form part of water undertaking.

20. The Corporation shall not construct any works for taking or intercepting water for supply from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Limiting powers of Corporation to abstract water.

21.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of their water undertaking but (except with the consent of the Minister of Health) the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres and the Corporation may on all or any of such additional lands execute for the purposes of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

Power to purchase additional lands by agreement.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking.

22.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take the Corporation may by agreement purchase take on lease or otherwise acquire any lands easements or rights and

Power to hold lands and exercise powers for protection of waters.

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may hold such lands and any other lands which the Corporation may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any land with reference to the execution by the Corporation or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

Persons
under
disability
may grant
easements
&c.

23. 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 (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 and privileges as aforesaid respectively. A.D. 1925.

24. The Corporation on selling any lands acquired by them in connection with their water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. Reservation of water rights &c. on sale.

25.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse. Temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration.

26. The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act: Power to lay pipes in private streets.

Provided that the Corporation shall not without the consent of the Southern Railway Company lay down or place any pipe or other work in any road or street for the time being belonging to and forming the approach to any station or depôt of such railway company.

27.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up Meters in streets to

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measure
water or
detect
waste.

of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus.

(2) Provided that the Corporation shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

Pressure.

28. The water to be supplied by the Corporation need not be constantly laid on under pressure greater than can be supplied by gravitation from the reservoir from which the supply shall be taken.

Rates for
supply of
water for
domestic
purposes.

29.—(1) In respect of every dwelling-house or part of a dwelling-house supplied by the Corporation with water for domestic purposes there shall be paid to the Corporation in respect of such supply a rate per annum not exceeding—

Where the rateable value of the premises so supplied with water shall not exceed seven pounds at a rate not exceeding eleven shillings and sixpence per annum;

Where such rateable value shall exceed seven pounds and shall not exceed twenty pounds at a rate per centum per annum not exceeding eleven pounds six shillings and eightpence;

Where such rateable value shall exceed twenty pounds and shall not exceed forty pounds at a rate per centum per annum not exceeding ten pounds thirteen shillings and fourpence;

Where such rateable value shall exceed forty pounds and shall not exceed sixty pounds at a rate per centum per annum not exceeding ten pounds;

Where such rateable value shall exceed sixty pounds and shall not exceed eighty pounds at a rate per

centum per annum not exceeding eight pounds thirteen shillings and fourpence; A.D. 1925.

Where such rateable value shall exceed eighty pounds and shall not exceed one hundred pounds at a rate per centum per annum not exceeding eight pounds six shillings and eightpence;

Where such rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding eight pounds;

In addition to the rates computed as above specified the Corporation may charge for a supply of water to every watercloset beyond the first the sum of six shillings and eightpence per annum to every fixed bath capable of containing not more than fifty gallons the sum of thirteen shillings and fourpence per annum and to every bath capable of containing more than fifty gallons such sum as the Corporation may think fit.

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor.

(2) The Corporation shall at the request of the owner or occupier of part only of any hereditament entered in the valuation list furnish to such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates authorised by this section. Provided that the rateable value upon which the water rate shall be charged shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as in this section provided the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

30. The Minister of Health may at any time on the application of the Corporation or of any local authority within the water limits review and if necessary revise by way either of increase or decrease the maximum rates for the supply of water authorised by this Act so that such revised rates and charges shall be sufficient so far as can be estimated to enable the water undertaking to be carried on without loss. Provided that at any time

Revision
of water
rates and
charges.

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Amendment
of section 35
of Water-
works
Clauses
Act 1847.

31. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Guarantees
by district
councils.

32. Any rural district council in respect of the part of their district within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any pipe or works for the supply of water within any part of such district which is within the water limits.

Dates for
payment of
water rates.

33. Notwithstanding anything contained in section 70 (Rates to be paid quarterly in advance) of the Waterworks Clauses Act 1847 the Corporation may by resolution declare that their water rates and charges shall be payable at such date or dates as the Corporation may from time to time appoint :

Provided that no person shall be compellable to pay water rates or charges so demanded for any longer period in advance than three months.

Rates
payable by
owners of
small
houses.

34. Where any premises supplied with water are let to monthly or weekly tenants or tenants holding for any other period less than a 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. A.D. 1925.

35. When water of the Corporation supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Corporation may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum (and where more motor cars than one are ordinarily kept a further sum not exceeding ten shillings per annum for each motor car beyond the first as the Corporation may prescribe) and any sum charged under the provisions of this section shall be paid quarterly in advance and be recoverable in the same manner as water rates.

Supply of water by hose pipe to stables &c.

36.—(1) The Corporation shall not be bound to supply with water otherwise than by measure (a) 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 or (b) any workhouse public institution hospital asylum (whether public or private) sanatorium club hotel public-house or inn or (c) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein or (d) any school not maintained by the local education authority.

Supply of water to houses partly used for trade &c.

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

(3) The minimum quarterly charge for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same rateable value.

37. 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 meter either for domestic or other purposes and the

Supply by meter.

A.D. 1925. 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.

Price of supply of water by meter.

38. The price to be charged by the Corporation for a supply of water by meter shall not exceed one shilling and sixpence per one thousand gallons.

Byelaws for preventing waste &c. of water.

39.—(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 pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this Act referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(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 duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation from the person on whose credit the water is supplied as the water rates in respect of the premises are recoverable.

Power to person liable to maintain pipes &c. to open ground.

40.—(1) For the purpose of complying with any obligation 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 communica-
tion pipes. A.D. 1925.

(2) The Corporation 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 in the limits of supply execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

41.—(1) If by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property or to the health of any person it shall be lawful for the Corporation by and under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation 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.

Power to Corporation to repair communication pipes.

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given notice to the occupier of such house or premises and in any case where the communication pipe is repairable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

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

Corporation not bound to supply several houses by one pipe.

43. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said

Maintenance of common pipe.

A.D. 1925. several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation or other officer duly authorised in that behalf by the Corporation.

Power to sell meters. 44. The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Notice to Corporation of connecting or disconnecting meters. 45. Before any person connects or disconnects any meter by means of 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 and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for any such offence be liable to a penalty not exceeding forty shillings.

Register of meter to be prima facie evidence. 46.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation.

(2) Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring meters &c. 47.—(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 Corporation 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

A.D. 1925.

registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation 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 Corporation 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 Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

48. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Interference
with valves
pipes and
fittings.

A.D. 1925.

—
Notice of
discon-
tinuance.

49. 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 signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at the office of the Corporation.

Contracts
for supply
of water in
bulk.

50.—(1) The Corporation and any local authority company body or person may enter into and carry into effect agreements for and in relation to the supply of water by the Corporation beyond the water limits to any such authority company body or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions as may be agreed upon.

(2) Provided that—

(a) a supply of water under this section shall not be given beyond the water limits except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits;

(b) nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the water limits.

For protec-
tion of
Lady Mary
Catherine
Charlotte
Ashburn-
ham.

51. Notwithstanding anything in this Act contained the following provisions shall (unless otherwise agreed in writing) have effect for the protection of Lady Mary Catherine Charlotte Ashburnham and her successors in title and her and their heirs and assigns owner or owners for the time being of Ashburnham Place in the county of Sussex and the estates for the time being held therewith (all of whom are in this section included in the expression "the owner") :—

The Corporation shall not either by their servants or tenants exercise upon any lands purchased from the owner under the powers of the Bexhill Water and Gas Act 1904 any right of shooting

coursing fowling or sporting over or of taking
game woodcocks snipes quails landrails hares
rabbits or wildfowl. A.D. 1925.
—

52. For protection of the county council of East
Sussex and of the rural district councils of Hailsham and
Battle the following provisions shall have effect (that is
to say):— For protec-
tion of
county
council of
East Sussex
and of rural
district
councils of
Hailsham
and Battle.

- (1) All aqueducts conduits or lines of pipes to be laid under the powers of this Part of this Act in or along any main or district road within the rural districts of Hailsham and Battle shall be laid in such position in or at the side thereof as the road authority in writing under the hand of their surveyor may reasonably direct :
- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all roads opened and broken up or interfered with by the Corporation in the exercise of the powers of this Part of this Act provided that the notice required by section 30 of that Act shall be not less than seven days instead of three days :
- (3) The plan required by section 31 of the last-mentioned Act shall whenever required by the road authority be accompanied by a section of the proposed works and shall be delivered to the road authority or their surveyor by the Corporation not less than fourteen days before they commence to break or open up any main road for the purpose of executing the works :
- (4) Nothing in this Act shall authorise the Corporation to interfere with the structural part of any public bridge within the said rural districts without the consent in writing of the surveyor of the authority chargeable with the repair of such bridge which consent shall not be unreasonably withheld and may be given upon such conditions as such bridge authority or their surveyor may reasonably determine Provided that such bridge authority shall be deemed to have given such consent if within one month after plans showing such inter-

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ference have been submitted to their surveyor he shall not have given notice to the Corporation objecting thereto :

- (5) Nothing in this Act contained shall interfere with the right of the road authority to alter the level or deviate or improve in any manner they think fit any main or district road in or along which any aqueduct conduit or line of pipes of the Corporation shall have been laid and the Corporation shall forthwith on receiving notice in writing under the hand of the clerk or surveyor of the road authority alter the position of any such aqueduct conduit or line of pipes in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed and the expenses of any such alteration deviation or improvement shall be paid to the Corporation by the road authority :
- (6) Nothing in this Act contained shall interfere with the right of the county or rural district councils at any time or times to remove alter or rebuild any county or other public bridge or the approaches thereto over near or attached to which any aqueduct conduit or line of pipes of the Corporation is carried in the same manner as they might have removed altered or rebuilt any such bridge or the approaches thereto if this Act had not passed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the Corporation shall at the cost in all things of the Corporation alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration or rebuilding of

such bridge as aforesaid the county council or such rural district council as the case may be shall at the expense of the Corporation afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across the stream or river or provide such other means as may be necessary so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such aqueduct conduit or line of pipes : A.D. 1925.

- (7) All works shall be so executed by the Corporation as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road :
- (8) The road authority shall not be liable for or in respect of any damage or injury done to any work of the Corporation by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the reasonable use of any steam or other roller for the repair of such road or from the passage of the traffic on such road :
- (9) If any difference at any time arises between the Corporation and the road authority touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration as aforesaid.

53. The following provisions shall (unless otherwise agreed in writing) have effect for the protection of Lieutenant-Commander Hugh Sydney Egerton his heirs and successors in estate and assigns for the time being entitled in possession whether for life or any greater interest to the estate of the said Lieutenant-Commander Hugh Sydney Egerton known as the Normanhurst

For protec-
tion of
Lt.-Com.
Hugh
Sydney
Egerton.

A.D. 1925. Estate (all of which persons are in this section included
— in the expression "the owner") :—

If at any time the land of the owner adjacent to the road Work No. 8 authorised by the Bexhill Water and Gas Act 1904 shall be laid out for building purposes and any new road shall be constructed approximately in the line of the said road Work No. 8 the Corporation shall upon the owner granting to them such easements or rights in or upon the lands of the owner as shall be necessary for the purpose of constructing and maintaining such new road and for constructing placing laying inspecting maintaining cleansing and repairing any conduit and line or lines of pipes or works incidental thereto surrender to the owner the easements granted under subsection (2) of section 34 of the said Act of 1904 and the Corporation shall at their own cost divert their conduit and any line or lines of pipes constructed or laid in the said road Work No. 8 authorised by the said Act into such new road.

PART IV.

SUPPLY OF GAS.

General powers of gas supply.

54. The Corporation may subject to the provisions of this Act manufacture and supply gas for lighting heating motive power and other purposes within the gas limits.

Powers as to maintenance of gasworks.

55.—(1) Subject to the provisions of this Act the Corporation may maintain alter improve enlarge extend and renew or discontinue the gasworks transferred to them upon the lands upon which the same are erected and may upon the lands described in the Third Schedule to this Act maintain alter extend improve and renew or discontinue gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the gas limits and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them.

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(2) The Corporation may also—

(a) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Corporation are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Corporation in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them;

(b) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid;

but the Corporation shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Corporation or purchased from other gas undertakings is merely subsidiary.

56. The Corporation may on the application of the owner or occupier of any premises within the gas limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 (Not to enter on private land without consent) of that Act were excepted from incorporation in this Act :

Power to lay pipes in private streets.

Provided that the Corporation shall not without the consent of the Southern Railway Company lay down or place any pipe or other work in any road or street for the time being belonging to and forming the approach to any station or depôt of such railway company.

57. The Corporation may for the purposes of their gas undertaking purchase take on lease and hold (by agreement but not otherwise) in addition to the lands described in the Third Schedule to this Act any lands and hereditaments not exceeding in the whole ten acres

Power to purchase lands by agreement Gas not to be manu-

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Act, 1925.

A.D. 1925. which the Corporation may require for the purposes of
factured their gasworks and gas undertaking but the Corporation
except on shall not create or permit a nuisance on any such lands
lands and no lands shall be used by the Corporation for the
scheduled. purpose of manufacturing gas or residual products except
the lands described in the said schedule.

Limit of 58. The price to be charged by the Corporation for
price. gas supplied by them to persons who shall burn the
same by meter shall not at any time exceed one shilling
and fivepence per therm.

Revision of 59. If at any time after the passing of this Act the
price of gas. Corporation or the local authorities in the gas limits or
twenty consumers in the borough represent to the Board
of Trade that the costs and charges of and incidental
to the manufacture and supply of gas by the Corporation
have substantially altered from circumstances beyond
the control of or which could not reasonably have been
avoided by the Corporation the Board of Trade may
after such inquiry as they think fit by order vary the
maximum price for the time being in force for the supply
of gas by the Corporation either by way of increase or
decrease and this Act shall have effect on and after
such date as may be prescribed in the order as if the
maximum price for gas supplied by the Corporation were
the price prescribed by the order.

Discounts. 60. The Corporation may if they think fit allow
discounts or rebates to consumers of gas in consideration
of prompt payment of gas charges and in addition thereto
or irrespective thereof they may if they think fit allow
discounts or rebates to large consumers Provided that
all discounts or rebates shall be of equal amount under
like circumstances to all consumers Provided also that
(if and so long as the Corporation allow such discount)
notice of the effect of this enactment shall be endorsed
on every demand note for gas charges.

Calorific 61. The declared calorific value of the gas to be
value. supplied by the Corporation upon the transfer to them
of the gas undertaking of the Company shall be the same
as that last declared by the Company prior to the said
transfer.

Measure 62. The number of therms supplied to any consumer
of therms shall be ascertained by multiplying the number of cubic
supplied.

feet of gas registered by the consumer's meter by the number of British thermal units comprised in the declared calorific value and dividing the product by one hundred thousand.

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63. If at any time the Corporation intend to alter the declared calorific value they shall give notice of their intention to supply as from a date to be therein specified and being not less than three months from the date of such notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Act and of the Gas Regulation Act 1920 Any notice given under this section shall be published by advertisement in the London Gazette and a copy thereof shall be sent to the Board of Trade and to the East Sussex County Council and to every consumer.

Variation of declared calorific value.

64. If and so often as the Corporation shall alter the declared calorific value they shall at their own expense effect such alteration adjustment or replacement of the burners in consumers' appliances as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid.

Consumers' burners.

65. If the Corporation shall at any time declare a calorific value less than three hundred and fifty British thermal units the minimum permissible pressure at which the gas may be supplied shall be as follows:—

Pressure of gas.

Where the declared calorific value is below three hundred and fifty British thermal units and not below three hundred British thermal units the minimum permissible pressure shall be two and a half inches; and

Where the declared calorific value is below three hundred British thermal units the minimum permissible pressure shall be such pressure (not being less than three inches) as shall be prescribed by the gas referees appointed under section 4 of the Gas Regulation Act 1920.

66. The following sections or parts of sections of the Gas Regulation Act 1920 shall apply to the Corporation and the gas undertaking as if the provisions of

Application of Gas Regulation Act.

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A.D. 1925. — this Act with respect to price quality and pressure of the gas supplied by the Corporation were an Order made under section 1 of that Act in relation to the Corporation in respect of the gas undertaking namely:—

Subsection (7) of section 1 (Power to substitute new basis of charge);

Subsections (1) and (2) of section 2 (Composition and pressure of gas to be supplied);

Section 4 (Appointment of gas referees and examiners);

Section 5 (Power to prescribe tests);

Section 6 (Appeals to chief gas examiner);

Subsections (3) and (4) of section 7 (Remuneration and expenses of gas referees);

Section 8 (Penalties for failure to comply with prescription of gas referees);

Section 9 (Forfeiture for deficient calorific value &c.);

Section 18 (Definitions).

Relief from obligation to supply.

67. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Corporation is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the gas limits for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Corporation notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

(a) a new supply of gas for the premises of any person demanding such supply at any time after the date of this Act; or

(b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas)

where the giving of such new or increased supply would render necessary the laying of a new main or the making

(as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation. Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Corporation—

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or
- (ii) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand. Provided also that if any question shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding. Provided also that in determining any such question as aforesaid the arbi-

A.D. 1925. — trator shall have regard to the following among other considerations (that is to say) :—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply :

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

Corporation may refuse to supply gas or electrical energy in certain cases.

68. The Corporation may refuse to supply gas or electrical energy to any person whose payments for the supply of either gas or electrical energy or meter rent in respect of the supply of gas or electrical energy are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Supply of gas where consumer has separate supply.

69. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Corporation a supply of gas for any premises for which he has at the same time a supply of gas from an installation other than that of the Corporation or a supply of electricity except from the Corporation unless he shall have agreed to pay to the Corporation such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

70. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

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As to construction and placing of pipes &c. between mains and meters.

- (1) The Corporation may specify the size and material of the pipes with the fittings thereof (so far as such pipes and fittings are intended to be covered over) which are to be laid by the consumer on his premises either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter :
- (2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (3) The specification shall be published twice in some newspaper circulating within the gas limits and a copy thereof shall be kept exhibited in the office of the Corporation :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Corporation's main but within the outside wall of the building :
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation. Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :

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- (6) Any person to whom the Corporation refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to
supply gas
fittings &c.

71.—(1) The Corporation may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(3) Provided as follows:—

- (a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);
- (b) Every sum charged by the Corporation in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer;
- (c) The total sums expended and received by the Corporation in connection with the purposes

in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the gas undertaking for that year. A.D. 1925.

72. If any person is required by the Corporation to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is given by way of deposit the Corporation shall pay interest at the rate of not less than four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Corporation to pay interest on money deposited as security.

73.—(1) At least twenty-four hours' notice shall be given to the Corporation by every gas consumer either personally at the office of the Corporation or in writing before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur. Gas consumers to give notice to Corporation before removing.

(2) Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Corporation.

74. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at the office of the Corporation. Notice of discontinuance.

75.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. Period of error in defective meters.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the

A.D. 1925. Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Occupier to pay expenses of re-connecting disconnected supply. **76.** In any case in which in consequence of any default on the part of the occupier of any premises the Corporation shall have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the expenses of re-connecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

Anti-fluctuators to be used with gas engines. **77.**—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Corporation may cease to supply him with gas.

(3) The Corporation may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Corporation and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Corporation if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means an apparatus for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

78.—(1) Every consumer of gas supplied by the Corporation who uses air at high pressure for or in connection with the consumption of such gas (in this section referred to as “high-pressure air”) shall if required to do so by the Corporation provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such air into the service pipe or any main through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

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Provision of valve where high pressure air is used.

(2) It shall not be lawful for any person at any time after the passing of this Act to commence to use high-pressure air unless and until he shall have given to the Corporation not less than fourteen days’ previous notice in writing of his intention to do so.

(3) Every person who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air shall within one month after that date give to the Corporation notice in writing of such use and if within one month after the giving of such notice the Corporation require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Corporation or any obligation under this section the Corporation may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Corporation shall give notice of the effect of the foregoing provisions of this section:—

(a) (in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Corporation) on or with the demand notes for gas charges payable to the Corporation issued next after that date; and

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(b) (in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Corporation) on or with the first of such demand notes delivered to such person after he shall have become a consumer.

(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air is used or the Corporation have reason to believe that high-pressure air is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Corporation shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

As to mode
of cutting
off supplies.

79.—(1) In any case in which the Corporation are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Corporation without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Corporation) and any person who shall re-connect such service pipe with the meter without the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 (Penalty for fraudulently using the gas of the undertakers) of the Gasworks Clauses Act 1847 :

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 (Undertakers to furnish sufficient supply of gas to owners and occupiers within the limits of the special Act) of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Corporation subject to the provisions of section 22 (Power to remove meter and fittings) of the Gasworks Clauses Act 1871

shall have and may exercise the like powers of entry as are exerciseable under that section. A.D. 1925.

80. The Corporation may subject to the provisions of this Act but only for the purposes of the gas undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein. Power to take licences for use of patents.

81. The power to enter premises and to remove pipes meters fittings or apparatus conferred on the Corporation by section 22 (Power to remove meter and fittings) of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire from the Corporation all or any of the pipes meters fittings or apparatus belonging to the Corporation. Power to enter premises and remove fittings.

82. The Corporation may contract with any local authority company or persons beyond the gas limits for the supply by the Corporation to them or for the supply to the Corporation by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the gas limits Provided that the Corporation shall not supply gas under the provisions of this section unless they are satisfying and will continue to satisfy the requirements of consumers of gas for all purposes within the gas limits. Corporation may contract for supply in bulk.

83. For protection of the county council of East Sussex (in this section referred to as "the county council") the following provisions shall have effect (that is to say):— For protection of county council of East Sussex.

- (1) All mains pipes and works to be laid under the powers of this Part of this Act in or along any main road within the rural districts of Hailsham and Battle shall be laid in such position in or at the side thereof as the county council in writing

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under the hand of their surveyor may reasonably direct :

- (2) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all main roads opened and broken up or interfered with by the Corporation in the exercise of the powers of this Part of this Act provided that the notice required by section 8 of that Act shall be not less than seven days instead of three days :
- (3) The plan required by section 9 of the last-mentioned Act shall whenever required by the county council in respect of a main road be accompanied by a section of the proposed works and shall be delivered to the county council or their surveyor by the Corporation not less than fourteen days before they commence to break or open up any main road for the purpose of executing the works :
- (4) Nothing in this Act shall authorise the Corporation to interfere with the structural part of any county or main road bridge within the said rural districts without the consent in writing of the county council or their surveyor which consent shall not be unreasonably withheld and may be given upon such conditions as the county council or their surveyor may reasonably determine Provided that the county council shall be deemed to have given such consent if within one month after plans showing such interference have been submitted to their surveyor he shall not have given notice to the Corporation objecting thereto :
- (5) Nothing in this Act contained shall interfere with the right of the county council to alter the level or deviate or improve in any manner they think fit any main road in or along which any gas mains pipes or works of the Corporation shall have been laid and the Corporation shall forthwith on receiving notice in writing under the hand of the clerk or surveyor of the county council alter the position of any such mains pipes

works in the manner and to the extent A.D. 1925.
prescribed by such notice or as in case of
difference shall be determined by arbitration in
manner hereinafter prescribed and the expenses
of any such alteration deviation or improvement
shall be paid to the Corporation by the county
council:

(6) Nothing in this Act contained shall interfere with
the right of the county council at any time or
times to remove alter or rebuild any county or
main road bridge or the approaches thereto over
near or attached to which any gas mains pipes
or works of the Corporation are carried in the
same manner as they might have removed
altered or rebuilt any such bridge or the
approaches thereto if this Act had not passed
and such mains pipes or works had not been
constructed or laid over or near or attached to
such bridge and in the event of any such bridge
or the approaches thereto over or near or attached
to which any such mains pipes or works are
laid being removed altered or rebuilt as aforesaid
the Corporation shall at the cost in all things
of the Corporation alter the position of such
mains or pipes and any works by which such
mains or pipes are carried over or near or
attached to such bridge or the approaches
thereto as aforesaid Provided that during the
removal alteration or rebuilding of such bridge
as aforesaid the county council shall at the
expense of the Corporation afford all reasonable
facilities for temporarily carrying such mains
and pipes across the stream or river or provide
such other means as may be necessary so as not
to interrupt the continuous supply of gas or to
diminish the pressure of such supply through
such mains or pipes:

(7) All works shall be so executed by the Corporation
as not to stop the traffic and so far as reasonably
practicable as not in any way to impede or
interfere with the traffic on any main road:

(8) The county council shall not be liable for or in
respect of any damage or injury done to any
work of the Corporation by reason of such work

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being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the reasonable use of any steam or other roller for the repair of such road or from the passage of the traffic on such road:

- (9) If any difference at any time arises between the Corporation and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration as aforesaid.

PART V.

STREETS BUILDINGS SEWERS DRAINS &C.

Continuation of existing street to be deemed new street.

Power to define future line of existing streets.

84. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the borough be deemed to be a new street.

85.—(1) (a) Where any street repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage on either side of such street or at or within a distance of fifteen yards from the corner of such street.

(b) The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by

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this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises.

(c) No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line except with the consent of the Corporation which may be given for such period and upon and subject to such terms and conditions as they may deem expedient.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street and such land when purchased shall vest in the Corporation as part of the street. Provided that the Corporation shall not be required by any owner to purchase any land under the provisions of this section until a building shall have been erected on the land immediately behind the land to be purchased.

(3) Whenever in any of the above cases the Corporation shall require the line prescribed by them to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage he or they may sustain respectively in consequence of the line of frontage being set back and kept and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation for all damage and loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring such line to be observed and kept.

(4) The amount of any purchase money or compensation payable under subsection (2) or subsection (3) respectively of this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 and in determining the amount of such purchase money or compensation the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street shall

A.D. 1925. be fairly estimated and shall be set off against the said compensation.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers as to future line of street.

86.—(1) The Corporation may at any time after prescribing and defining the line of frontage of any street in pursuance of the power conferred upon them by the section of this Act of which the marginal note is "Power to define future line of existing streets" on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such line of frontage at the date when the same was so prescribed or defined shall be pulled down set back or altered so that the same shall not project beyond or in front of such line of frontage.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Arbitration Act 1889 but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of

which such compensation shall be payable shall be fairly estimated and set off against such compensation. A.D. 1925.

(5) After any such line of frontage shall be so prescribed and defined as aforesaid any person who shall act contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

87.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan to be drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line as shown unless within six weeks after the date of submission thereof as aforesaid they shall have signified to the person submitting the same their disapproval thereof.

Building
line in new
streets.

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line has been approved by the Corporation nor beyond or in front of the building line approved by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Corporation.

(4) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of the street than one-half of the width of the street and ten feet in addition the

A.D. 1925. Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

Develop-
ment
scheme may
be required
in connec-
tion with
new streets.

88. Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

Appeal to
court of
summary
juris-
diction.

89.—(1) Any person deeming himself aggrieved by any requirement of or by the Corporation under either of the last two preceding sections of this Act may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(2) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court of summary jurisdiction may direct.

90.—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

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No building
allowed
until street
defined.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

91.—(1) Whenever application shall be made to the Corporation to approve the formation of a new street on any estate or lands it shall be lawful for the Corporation to require that the new street shall be formed of such width as the Corporation shall require :

Width of
new streets

Provided that in the event of the Corporation requiring any new street to be of any greater width than the following (hereinafter in this Act called "the prescribed width") namely :—

- (a) In the case of a new street which in the opinion of the Corporation will form a main thoroughfare or a continuation of a main thoroughfare or means of communication between main thoroughfares in the borough or a continuation of a main approach or means of communication between main approaches to the borough sixty feet; or
- (b) In the case of any other new street the width required for such street by any Act or byelaw for the time being in force within the borough;

the Corporation shall purchase from the owner of such estate or lands and such owner shall sell to the Corporation any additional land necessary to make such new street of such greater width as aforesaid and shall also make compensation to such owner for any loss or damage sustained by him by reason of the Corporation requiring the street to be of such greater width as aforesaid.

(2) The compensation payable by the Corporation in respect of any such additional land as aforesaid shall in default of agreement be a sum equal to the pro rata proportion of the amount which shall at the date on which the Corporation require the new street to be of such greater width be the value of so much of the undeveloped land of the same owner as is or will be

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A.D. 1925. — developed or improved by the intended works of street formation on the estate of which such additional land forms part.

(3) If by reason of the Corporation requiring any new street to be of any such greater width as aforesaid any land of any owner adjoining such new street will be or has become so reduced in area that it cannot having regard to the provisions of any Act or byelaw in force within the borough be used for building purposes and such owner shall within three months from the date of his receiving notice of such requirement give to the Corporation written notice so desiring the Corporation shall in lieu of paying such owner compensation as aforesaid purchase from such owner and such owner shall sell to the Corporation such reduced area of land and the compensation payable in respect of any such reduced area as aforesaid shall be the amount which shall be the value thereof at the date on which the Corporation require the new street to be of such greater width.

(4) The amount of any compensation payable under this section and any difference thereunder as to whether any land has become so reduced in area as aforesaid shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 but in estimating the amount of any such compensation the benefit accruing to the property of which such additional land forms part by reason of the street being of such greater width shall be fairly estimated and set off against such compensation.

(5) Nothing contained in this section shall require an owner to incur any greater expense in the execution of any street works than he would have been required to incur if the new street had been of no greater width than the width required for such street under any byelaw for the time being in force within the borough and any additional expense incurred in the execution of street works by reason of the new street being of such greater width shall be borne by the Corporation.

Widening of roads when only one side is built upon.

92.—(1) When a road footpath or way is about to become a new street within the meaning of the Public Health Acts but the land on one side only of such street has been or is in course of being built on the Corporation

may in any case in which they would be empowered to require the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the borough require such owner to widen such road footpath or way so as to give a width not less than one half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land. A.D. 1925.

(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Corporation. Provided that he shall not under this subsection be required to pull down any building erected before the passing of this Act.

93.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new streets to be constructed are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement may be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent. Adjustment of boundaries.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration

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of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister of Health and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

As to fire
plugs.

94. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

Naming of
streets.

95.—(1) Before any name is given to any street notice of the intended name shall be given to the Corporation and the Corporation may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within one month after receipt of such notice object to such intended name and it shall not be lawful to set up any name to any street

until the expiration of one month after notice thereof has been given as aforesaid to the Corporation or to set up any name objected to as aforesaid. A.D. 1925.

(2) The Corporation may by order alter the name of any street or any part of a street but one month before making any such order they shall give notice to the ratepayers in the street and they shall consider any objections that may be made by such ratepayers within one month after the giving of the notice.

(3) The Corporation may cause the name of any street or of any part of any street to be painted or otherwise marked on a conspicuous part of any building or other erection.

(4) Any person who shall offend against this section or who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such name shall be liable to a penalty not exceeding forty shillings.

(5) Any person deeming himself aggrieved by any objection of the Corporation under subsection (1) or by an order of the Corporation under subsection (2) of this section may appeal to a court of summary jurisdiction within seven days of the receipt by him of the objection or within seven days of the making of the order (as the case may be) provided he gives twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

96. The owner or owners of any premises the water from which is carried away by any covered or uncovered drain or channel crossing the footpath in any public street shall keep such drain or channel and all gullies traps grates and appurtenances thereto belonging in good repair and any person who after reasonable notice in writing from the Corporation shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners. Surface] water channels to be kept in good repair.

97. Where premises abutting upon any street are so situate that the surface water from such premises flows on to or over the footpath of such street the owner of such For preventing water

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flowing on
footpath.

premises shall within fourteen days after service of a notice by the Corporation for that purpose execute such works as may be reasonably practicable to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Forecourts
to be fenced
off from
streets.

98.—(1) Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Courts to be
flagged and
drained.

99.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall if so required by the Corporation flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same and provide gullies and grids in suitable positions and at proper levels and keep such flagging asphalt concrete paving and drain gullies and grids in good repair.

(2) If such owner or owners shall for two months after notice in writing from the Corporation fail in any respect to comply with any requirement of the Corporation under the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expenses incurred by them in that behalf from such owner or owners.

Street
orderly
bins.

100. The Corporation may provide and maintain orderly bins and other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand or grit in upon or under any street of such dimensions and in such positions as the Corporation may from time to time determine.

101.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost of so doing from the owner or occupier upon whom the notice was served.

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Lopping of
trees over-
hanging
highways.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within fourteen clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

102.—(1) For the purpose of facilitating traffic by removing obstructions to view the Corporation may give notice to the owner of any land situate at or within a distance of ten yards from the corner of any street or at or near any bend in any street prescribing the height of fences hoardings boundary walls hedges trees and shrubs at such corner or within such distance from the corner or bend as may be prescribed in the notice and thereupon the following provisions shall have effect:—

Height of
fences and
hedges at
street
corners.

(a) Unless such notice is withdrawn by the Corporation no person shall erect a fence hoarding or wall or permit a hedge tree or shrub to grow at a greater height than that prescribed contrary to the requirements of the notice;

(b) If required by the Corporation the owner of such land shall reduce the height of any fence hoarding wall hedge tree or shrub which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

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(2) Any person who contravenes the provisions of paragraph (a) of subsection (1) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may reduce the height of such fence hoarding wall hedge tree or shrub to the height prescribed by them and the expense incurred by the Corporation shall be repaid to them by the owner of the land.

(3) If any person for the period of one month after the service of a notice upon him by the Corporation of a requirement under paragraph (b) of subsection (1) of this section fails to comply therewith the Corporation may themselves carry out the requisition of their notice.

(4) The Corporation shall make compensation to the owner or other persons interested in any land for any loss or damage which he or they may sustain in consequence of the giving of any notice under this section but such compensation shall not include the expenses incurred by the Corporation and to be repaid to them under subsection (2) of this section and no compensation shall be paid a second time in consequence of the growth of any hedge tree or shrub above the height prescribed in the notice. The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

(5) Any person aggrieved by any notice given by the Corporation under this section may appeal to a court of summary jurisdiction within one month after the service of such notice provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(6) The owner of the land shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any notice of the Corporation under this section.

Definition of
corner of
street.

103. For the purposes of the last preceding section of this Act and the section of this Act of which the marginal note is "Power to define future line of existing streets" the corner of any street shall be deemed to be

the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued). A.D. 1925.

104. The Corporation may by notice in writing require the owner of any hoarding to maintain the same and any advertising matter thereon in good order and condition and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily from the owner any expense incurred by them in so doing. As to repair of hoardings.

105.—(1) Every notice board sign bracket or other projection which shall overhang any street shall be securely fixed and maintained by the owner thereof. As to projections over streets.

(2) If the Corporation have reason to believe that any such notice board sign bracket or other projection is not securely fixed they may enter upon the premises to which it is attached for the purpose of inspecting the same and the means by which it is attached.

(3) In the event of any such notice board sign bracket or other projection being insecurely fixed the Corporation may require the owner to fix the same securely within a period of seven days from the receipt of notice of such their requirement and in default of his so doing the Corporation may themselves carry out the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

106. The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Corporation may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively : Laying out of streets by Corporation.

Provided always that nothing in this section contained shall empower the Corporation to prevent any

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A.D. 1925: person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street.

Power to provide seats &c.

107. The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants and seats Provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

Restriction on erection of temporary stands &c.

108.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon.

(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Attachment of brackets &c. to buildings.

109.—(1) The Corporation may with the consent of the owner of any building wall or bridge attach to that structure such brackets wires lamps and apparatus as may be required for lighting any street:

Provided that—

(a) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid;

(b) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section;

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(c) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

(2) For the purposes of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack-rent shall be deemed to be the owner.

110. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws with respect to the following matters (namely):—

Byelaws as to materials and construction of buildings &c.

(1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act:

(2) The uniting of buildings and the making and stopping-up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united:

(3) The testing of drains of new buildings:

(4) For securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost.

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Further
amendment
of sec-
tion 157 of
Public
Health Act
1875.

111.—(1) Section 157 of the Public Health Act 1875 in its application to the borough shall be altered and construed as if the following sub-paragraphs were added immediately after the sub-paragraph numbered (4) in the said section:—

(5) For requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;

(6) For securing the adequate lighting of buildings.

(2) The said section 157 shall also in its application to the borough be read and have effect as if it empowered the Corporation to require by byelaws the deposit of plans and sections by persons intending to construct reconstruct or alter the course of any drain in connection with a building.

Erection of
buildings to
greater
height than
adjoining
buildings.

112.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to
erection of
retaining
walls.

113.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put

such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. A.D. 1925.

114. The power given by subsection (4) of section 23 (Extension of 38 & 39 Vict. c. 55 s. 157 (a)) of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections as can be required in relation to the erection of a new building. Byelaws as to alterations of buildings.

115.—(1) (a) Where any part of a building which is used or adapted to be used as a shop projects for a distance of seven feet or more beyond the main front of any building of which it forms part and in which any persons are employed or sleep the projecting portion of such shop shall be provided by the owner with a roof constructed of fire-resisting materials not less than five inches thick. As to construction of shops.

(b) It shall be lawful to construct or place in or upon the roof of the portion of any shop so projecting beyond the main front of the building as aforesaid lantern lights or ventilating cowls Provided that no such lantern light or ventilating cowl shall be constructed or placed so that any part thereof will be at a less distance than six feet from the main front of the building from which the shop projects or within such distance as may be reasonable in the circumstances of the case from any other external or party wall Provided also that the sides of such lantern light or ventilating cowl (except the side facing away from the main building) shall be carried up in fire-resisting materials for two feet above the roof in or upon which it is constructed or placed Provided further that no part of any such lantern light or ventilating cowl shall project above the roof in or upon which the same is constructed or placed to a greater extent than five feet.

(2) The provisions of this section shall extend and apply as well to existing as to new buildings.

(3) The Corporation may in any case where it is reasonable so to do sanction subject to such conditions (if

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A.D. 1925. any) as the Corporation may impose in giving such
— sanction the exemption of any building from all or any
of the provisions of this section. If in any case the
Corporation refuse to give their sanction under the
provisions of this section such refusal shall be deemed to
be the withholding of a consent within the meaning of
the section of this Act of which the marginal note is
“As to appeals.”

(4) Any person who occupies or (being the owner
thereof) permits to be occupied—

(a) any new building that does not comply with the
provisions of this section;

(b) any existing building that does not so comply
after the expiration of one calendar month's
notice in writing requiring him to execute such
works in connection therewith as may be
necessary to cause such building to comply with
such provisions;

shall (without prejudice to any other proceedings that
may be taken against him) be liable to a penalty not
exceeding twenty pounds and to a daily penalty not
exceeding ten pounds.

Closet
accom-
modation
in houses
occupied by
more than
one family.

116.—(1) Section 36 (Power of local authority to
enforce provision of privy accommodation for houses) of
the Public Health Act 1875 shall with the necessary
modifications apply to a part of a house occupied by a
separate family as it applies to the whole of a house.

(2) The provisions of subsections (2) (3) and (4) of
section 26 (Byelaws respecting houses divided into
separate tenements) of the Housing and Town Planning
&c. Act 1919 shall apply with any necessary modifications
as if the same were set out in this section.

Byelaws as
to water-
closets.

117. The Corporation may make byelaws for
preventing the improper use of waterclosets and blocking
the pipes therefrom.

Means of
escape from
buildings in
case of fire.

118.—(1) Every building erected after the passing of
this Act exceeding two storeys in height and in which the
upper surface of the floor of any upper storey is above
twenty feet from the street level and which is used or
intended to be used as flats or as a tavern hotel hospital
boarding-house common lodging-house or boarding school
or as a shop or restaurant in which sleeping accommoda-

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tion is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling sleeping or employed in each upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) (a) From and after the first day of July one thousand nine hundred and twenty-six the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or boarding school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient means of escape from each upper storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and award costs.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) If the owner of the building alleges that any occupier should bear or contribute to the expenses of

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(4) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirements of the Corporation under this section.

(5) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(6) This section shall not apply to any premises to which sections 14 and 15 of the Factory and Workshop Act 1901 apply.

(7) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Food
storage
accommo-
dation to be
provided.

119.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) (a) Every dwelling-house the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with a sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds

thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

120.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct a building in a street within the borough of drawings of the elevations of such building (in this section called "elevations").

Elevation
of new
buildings
fronting
street.

(2) For the purpose of assisting the Corporation in the exercise of the power of approving or disapproving elevations hereinafter conferred a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the borough of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Surveyors' Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the council :

Provided that a member of the council shall be disqualified from being a member of the advisory committee.

(3) Subject as aforesaid the members of the advisory committee shall be appointed by the council and any vacancy occurring on the advisory committee shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was nominated. The Corporation shall pay the members of

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(4) Where the elevations of any building proposed to be constructed in any street are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the delivery of the elevations—

(a) approve the elevations; or

(b) if they shall consider that having regard to the general character of the existing buildings in the street or of the buildings proposed therein to be erected the building to which the elevations relate would seriously disfigure the street whether by reason of the height of the building or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building is considered to be objectionable.

(5) The Corporation shall forthwith send notice in writing to the person by whom the elevations were deposited of their approval thereof or if the building is considered to be objectionable on any of the grounds mentioned in this section of the reference of the elevations to the advisory committee and the notice shall be accompanied by a statement of the objections to the building.

(6) (a) The person by whom the elevations were deposited shall be entitled to send to the advisory committee a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(b) The advisory committee may determine the reference in such manner as they in their discretion shall think fit and they shall within one month after the receipt of the reference decide whether in their opinion the elevations should be approved or disapproved and any such decision shall have effect as if it were an approval or disapproval (as the case may be) of the elevations by the Corporation and in the latter case shall contain a

statement of the grounds on which the proposed building is considered to be objectionable. A.D. 1925.

(7) Every such decision shall forthwith be reported to the Corporation and upon receipt thereof by the Corporation a copy shall forthwith be sent by the Corporation to the person by whom the elevations were deposited.

(8) In the event of a division of opinion among the members of the advisory committee upon reference to them the matter shall be decided by a majority of votes of the members of the committee but save as aforesaid the advisory committee shall act by their whole number.

(9) Where the elevations of a building have been disapproved under this section it shall not be lawful to erect the building until the elevations thereof have been approved by the Corporation and any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(10) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part thereof shall be payable to the person depositing the elevations they shall be recoverable by that person and where such costs or part thereof shall be payable to the Corporation they shall be recoverable by the Corporation and in both cases summarily as a civil debt.

(11) The provisions of this section shall not apply to a building (not being a dwelling-house) belonging to any person or body of persons authorised by virtue of any Act of Parliament or any Order having the force of an Act of Parliament to manufacture gas or to supply electricity or water or to navigate or use any river canal dock harbour or basin or to demand any tolls or dues in respect of such river canal dock harbour or basin which building is used or intended to be used exclusively for such purposes under the provisions of such Act of Parliament or Order.

121.—(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the

Elevation of buildings erected on front lands to require approval.

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A.D. 1925. Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the door or entrance or the building wall or fence in a line and the elevation of the building wall or fence fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Area of habitable rooms.

122. Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157 (a)) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Sanitary conveniences for workmen engaged on buildings.

123.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Byelaws as to erection of dwelling-houses

124. The Corporation may make byelaws with respect to—

(i) the number of dwelling-houses which may be erected in one block or in one continuous row;

- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space; A.D. 1925.
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under continuous roof.
- (iii) the situation construction and height of walls or fences upon or across such open space.

125. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Powers on inspection.

126.—(1) The soil pipe of any watercloset shall be properly ventilated and if the same be within a house or building by means of a pipe carried up therefrom not less than two feet above the eaves of the house or building and of any adjoining house or building or (subject to the provisions of section 37 (Water or stack pipe not to be used as ventilating shaft) of the Public Health Acts Amendment Act 1907) by such other method as the Corporation shall direct. Soil pipes to be ventilated.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

127.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Combined drains.

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Corporation if they so decide or by the owner or owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not except by agreement with the owner or owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a petty sessional court provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the petty sessional court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

As to
houses
connected
with single
private
drain.

128.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court

of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly. A.D. 1925.

(2) Section 19 (Extension of 38 & 39 Vict. c. 55 s. 41 (a)) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

129. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation. Power to require specially enlarged sewer in new street.

130. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction. Power to lay drains in private streets.

131. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 (Penalty on building house without drains in urban district) of the Public Health Act 1875 the court may in addition to imposing a penalty under that section order that the drain be laid or relaid or amended or remade as the case may require in accordance with the provisions of that section and if such person shall not comply with the order within one month after the date thereof the Corporation may cause the drain in respect Power to reconstruct drain if laid in contravention of Public Health Act 1875.

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of which such conviction has been obtained to be laid relaid or amended or remade as the case may require and may recover from such person in a summary manner as a civil debt the expense incurred by them in so doing.

Notice of
intention
to repair
drains &c.

132.—(1) It shall not be lawful for any person to repair any drain soil pipe or sink pipe communicating with any sewer of the Corporation without giving to the Corporation or to the surveyor twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain or pipe without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the surveyor or to any officer of the Corporation authorised in writing by the town clerk for the purpose of inspection.

(3) Any person who offends against this section shall be liable to a penalty not exceeding five pounds.

As to
defective
drains &c.

133.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirements contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

As to
repair of
private
drains.

134. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corpo-

ration it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit. A.D. 1925.

135.—(1) If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds. Improper construction or repair of watercloset or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

136.—(1) Every person who wilfully or negligently turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petroleum spirit or carbide of calcium from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds. Prohibiting entry of petrol &c. into sewers.

(2) In this section the expression "petroleum spirit" means such crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in Schedule 1 to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

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Wilful
damage to
drains
waterclosets
&c.

137. If any person cause any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Corporation
to make
communica-
tions
between
private
drains and
their
sewers on
payment
&c.

138. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation with which he is entitled to have such sewer or drain made to communicate such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Owners to
repair and
cleanse
culverts.

139. The owner of any culvert made before or after the passing of this Act over any watercourse shall from time to time repair maintain and cleanse the same and if any such owner fails to comply with the requirements of a notice given to him by the Corporation to repair maintain or cleanse his culvert within a time specified in the notice the Corporation may execute any necessary works of repair or maintenance of or may cleanse such culvert and the expenses thereby incurred as certified by the surveyor shall be repaid to the Corporation by the owner.

Penalty for
throwing
rubbish
into
streams.

140. Every person who throws deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the borough so as to interfere with the due flow of water in any such stream or brook shall be liable to a penalty not exceeding forty shillings.

Rivers
streams &c.
choked up

141. Any river stream or watercourse or any part or parts thereof respectively within the borough so

choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto or to hinder the usual effectual drainage of water through the same shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

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—
to be a
nuisance
under
Public
Health Act
1875.

142.—(1) If any watercourse or ditch in the borough situate upon land partially or wholly built upon or laid out for building or upon land on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner of such land (in the case of land laid out for building before any building is commenced or proceeded with) to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for such watercourse or ditch a pipe drain or culvert with all necessary shoots and means of conveying surface water thereinto.

As to
covering of
ditches &c.

(2) All works required by the Corporation to be done under this section shall be completed to the satisfaction of the surveyor.

(3) Any person who shall be guilty of any act or omission in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partially belonging to any other person than the owner of the land in respect of which the said notice in writing is served.

143.—(1) It shall not be lawful to culvert cover over stop up obstruct or divert any stream or watercourse except in accordance with plans and sections to be submitted to and approved by the Corporation such approval not to be unreasonably withheld or delayed

Streams not
to be
covered over
obstructed
or diverted

A.D. 1925.
—
except in
accordance
with plans.

and any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings:

Provided that—

- (a) No requirement of the Corporation in relation to such plans and sections shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;
- (b) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

Restrictions
as to build-
ings &c.
over
streams.

144.—(1) No person shall at any time hereafter erect construct or place or cause or permit to be erected constructed or placed in or directly over the waterway or bed of any stream any building structure erection bridge arch culvert pipe or other work or thing (in this section referred to collectively as "works" or "work") which will or may have the effect of reducing the waterway or bed of such stream or of interfering with the free passage of water along such stream or reconstruct or alter any work erected constructed or placed in or directly over the waterway or bed of any stream before or after the commencement of this Act in such manner that such re-construction or alteration will have any such effect except in each case in accordance with plans sections and particulars previously approved by the Corporation or by an arbitrator appointed as in this section provided.

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(2) If the Corporation shall not within six weeks after the delivery of the plans sections and particulars signify in writing their approval or disapproval of any intended work or of the reconstruction or alteration of any existing work as the case may be to the person who shall have delivered such plans sections and particulars with in the case of disapproval their reasons for such disapproval they shall be deemed to have approved the said plans sections and particulars.

(3) The Corporation may attach to their approval any condition which they may deem proper.

(4) If the Corporation disapprove of the plans sections and particulars or if any difference shall arise as to the reasonableness of any condition which the Corporation may attach to their approval the plans sections and particulars or any such difference shall be referred to an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of the person on whose behalf the plans sections and particulars were submitted or of the Corporation and any such arbitrator shall determine such difference and may approve the said plans sections and particulars with or without modifications or disapprove the same as he shall determine.

(5) If any such work or the re-construction or alteration of any such existing work is commenced or completed without such approval of the Corporation or of an arbitrator as is required by this section or in any respect otherwise than in conformity therewith or with any condition attached to such approval the person who commenced or completed the same or caused or permitted the same to be commenced or completed shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings and on conviction of any person under this section the court may make such order with regard to the removal reinstatement or modification of the work as in the circumstances of the case the court may think fit and in default of compliance with such order by the person to whom the same is directed the Corporation may (without prejudice to the liability to any such penalties or to any other remedy or proceeding) cause such work to be pulled down and removed or reinstated as the case may be and any expense incurred by them in or about

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A.D. 1925. — the pulling down and removal or reinstatement of the work may be recovered from the person to whom the said order of the court is directed.

(6) Nothing in this section contained shall be deemed to affect the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1924.

Saving for railway companies.

145. Nothing in this Part of this Act except the sections whereof the marginal notes are—

- Height of fences and hedges at street corners;
- As to repair of hoardings;
- Forecourts to be fenced off from streets;
- Lopping of trees overhanging highways; and
- For preventing water flowing on footpath;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company and used for the purposes (other than for a dwelling-house) of their undertaking with the authority of Parliament :

Provided that the section of this Act of which the marginal note is "Height of fences and hedges at street corners" shall not apply to the boundary walls of the Bexhill Central Station of the Southern Railway Company.

PART VI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Definitions for purposes of this Part of Act.

146.—(1) For the purposes of this Part of this Act—
the expression "infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough and for the purposes of the sections of this Act of which the marginal notes are "Power to close Sunday schools and exclude children from entertainments" and "Restriction on attendance of children at Sunday schools and places of

“ assembly when infectious disease prevails ” A.D. 1925.
respectively the said expression also includes
measles German measles whooping cough chicken
pox ringworm and influenza.

(2) For the purposes of the sections of which the
marginal notes respectively are “ Power to close Sunday
schools and exclude children from entertainments ”
and “ Restriction on attendance of children at Sunday
schools and places of assembly when infectious disease
prevails ” the expression “ Sunday school ” means any
school in which children are assembled for instruction on
a Sunday or specially for religious instruction whether or
not on a Sunday.

147.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

Power to
close
Sunday
schools and
exclude
children
from enter-
tainments.

(2) Any person responsible for the conduct or management of any Sunday school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

148.—(1) No person over the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday

Restriction
on attend-
ance of
children at
Sunday
schools and
places of
assembly
when
infectious
disease
prevails.

[Ch. cxxiv.] *Bexhill Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. school or place of public entertainment or assembly
— without undue risk of communicating disease to others.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings.

Compensa-
tion to
persons
ceasing
employ-
ment.

149. If any person shall at the request of the Corporation stop his employment for the purpose of preventing the spread of infectious disease the Corporation may in their discretion make compensation to him for any loss he may sustain by reason of such stoppage.

As to filthy
premises.

150.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

Houses
infested
with vermin
to be
cleansed.

151.—(1) If the medical officer or sanitary inspector has reasonable cause to suppose that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer or sanitary inspector it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the

notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require. A.D. 1925.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation and the word "vermin" includes bugs fleas lice and itchmites and their eggs larvæ and pupæ.

152.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may

Penalty on withholding information from medical officer.

A.D. 1925, — reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Persons to furnish names of laundrymen to whom clothes &c. from infected houses sent.

153. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly. Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Prohibition on infected person carrying on business.

154. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household in such a manner as to be likely to spread the infectious disease he shall be liable to a penalty not exceeding forty shillings.

Special provisions to prevent spread of infectious diseases.

155. Any parent or other person liable to maintain a child in attendance at a school (including a Sunday school) who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings :

Provided that in any proceedings under this section a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification

as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

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156. Any person who being in charge of the body of any person who has died from any infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.

Prevention
of contact
with body
of person
dying of
infectious
disease.

157. When any person suffering from infectious disease shall die of such disease the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding two pounds.

Removal
of body of
person
dying of
infectious
disease.

158.—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may within the borough examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice.

Cleansing
of children
and their
clothing.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed

A.D. 1925. time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act convey to such premises and there detain such child until such cleansing is effected.

(3) Where after the person or clothing of a child has been cleansed under the provisions of this section the parent or guardian or other person liable to maintain the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall on summary conviction be liable to a fine not exceeding ten shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a registered medical practitioner or by a female person being a member of the staff of the medical officer.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter to his usual or last known residence. In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of the child whose person or clothing requires to be cleansed.

Cleansing of
verminous
persons.

159.—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate

may cause any such person who does not consent to his leaving the house to be removed therefrom to and detained in any such temporary shelter or house accommodation if a court of summary jurisdiction on the application of the Corporation and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Corporation shall in every case cause the removal and detention to be effected and the condition of any order satisfied without charge to the person removed.

A.D. 1925.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) The examination or cleansing of females under this section shall only be effected either by a registered medical practitioner or by a female person being a member of the staff of the medical officer.

(4) If any person at the request of the Corporation or under an order of such court shall cease his employment in order to comply with such order the Corporation may and in case of an order of the court shall make compensation to him for any loss he may suffer thereby.

(5) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

(6) This section shall not apply to any child.

160.—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act a trade business or manufacture shall be deemed to be established not only if it is established for the first time but also if without the consent of the Corporation—

Defining establishment of a new business for purposes of section 112 of Public Health Act 1875.

(a) it is removed from one set of premises to any other premises; or

(b) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or

(c) any premises on which it is for the time being carried on are enlarged;

A.D. 1925. — but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership or occupation of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Corporation to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Corporation may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to houses
without
water
supply.

161.—(1) The owner of any dwelling-house or tenement in the borough which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house or tenement was erected before the passing of this Act and such supply is not available.

(2) Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer of health" were inserted therein after the words "the surveyor."

Regulation
dustbins.

162.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(2) Every owner or occupier having provided any receptacle pursuant to this section shall maintain the same in good order and condition.

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(3) Provided that the foregoing provisions of this section shall not apply to any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin ashtub or ashpit for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

163.—(1) Public notice of the provisions of this Part and Part VII. (Food) (other than the sections of which the marginal notes are "Agreements as to slaughter-houses" and "Power to close slaughter-houses if injurious to public health") of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

Public notice to be given of provisions of this Part of Act &c.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or servant of the Corporation that the notice required by this section has been affixed outside the town hall and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons

A.D. 1925. — could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

PART VII.

FOOD.

As to contamination of sausages and other foods.

164.—(1) Any person who in the manufacture storage or preparation for sale of sausages pressed or pickled meat or other similar commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination shall be liable for every such offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) No person shall be convicted of an offence under this section unless before the commission of the offence with which he is charged he shall have had written notice that such an act or thing as the one complained of is an offence against this section.

Restriction on taking inedible fats into premises where food is prepared.

165. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for the food of man into any premises in which any food for man into the composition of which fat enters is manufactured or prepared for sale or into any premises directly or indirectly connected by a passage or pipe or in any other way with any such premises (except so far as such passage pipe or other connection as the case may be is required or used for sanitary or other similar purposes and not in connection with the manufacture or preparation hereinbefore mentioned) shall for each offence be liable to a penalty not exceeding five pounds unless he can prove that such fats were not taken or introduced into such premises for the purpose of being used and have not been used as an ingredient in the manufacture or preparation of any food for man.

Conditions applicable to premises used for sale &c. of food.

166.—(1) The following provisions shall apply to any room shop or other part of a building in which any food is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale or (in the case of hotels or boarding-houses where not less than six persons are boarded or lodged at any

one time and in the case of restaurants and tea-rooms) with a view to consumption on the premises :— A.D. 1925.

- (a) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be within such room shop or other part of the building or shall communicate therewith except through the open air or through an intervening ventilated space;
- (b) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room shop or other part of the building and no gully or watercloset shall be placed in such a position that offensive odours from such gully or watercloset can gain access to such room shop or other part of the building;
- (c) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of the building except so far as may be reasonably necessary for the proper carrying on of the trade or business;
- (d) Such room shop or other part of the building and the walls and ceilings thereof shall be white-washed cleansed or purified at reasonable intervals and whenever so required by the Corporation on the report of the medical officer or the sanitary inspector and all articles apparatus and utensils therein shall at all times be kept clean and wholesome and due cleanliness shall be observed by persons engaged in such room shop or other part of the building.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of the building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901.

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(4) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901 nor shall they apply in cases where the only food is meat to which the Public Health (Meat) Regulations 1924 made by the Minister of Health under the Public Health (Regulations as to Food) Act 1907 apply.

For regu-
lating
manufac-
ture and
sale of ice-
cream &c.

167.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the borough—

(a) causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(b) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(c) omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer;

shall be liable for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar

commodity or materials for the manufacture of the same
manufactured or brought upon the said premises after
such seizure and while any such person is suffering from
infectious disease. A.D. 1925.

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand in or on which the same are offered for sale as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or refusing inspection of the materials or commodities or articles of food therein or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

168.—(1) No room shop or other part of a building in which any food is sold or prepared or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall be used as a sleeping place.

Places used
for storage
&c. of
human food
not to be
used as
sleeping
places.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building as a sleeping place in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to

A.D. 1925. — enter into and inspect any premises on which he suspects that there is any contravention of the provisions of this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

(4) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901 nor shall they apply in cases where the only food is meat to which the Public Health (Meat) Regulations 1924 made by the Minister of Health under the Public Health (Regulations as to Food) Act 1907 apply.

Registration of premises used for manufacture &c. of potted meats.

169.—(1) Any premises used or proposed to be used for the preparation or manufacture of potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

(4) This section shall not apply to any premises used as a hotel restaurant or club.

Byelaws for places used for preparation of food.

170. The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the manufacture preparation storage transport or exposure for sale of any article intended to be sold for the food of man :

Provided that before confirming any byelaws made as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts 1901 to 1920 apply the Ministry of Health shall consult the Secretary of State.

171.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have power to enter the premises of any vendor of or merchant or dealer in any article intended for the food of man or any premises where any such article is for the purposes of sale deposited or stored or is in preparation for sale for the purpose of inspecting such premises and the materials or commodities or articles of food therein.

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Entry on premises used for storage of food.

(2) On any such inspection the said officer of the Corporation shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the vendor merchant or dealer or the agent of such person his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the public analyst.

(3) The expression “public analyst” in this section means the analyst appointed by the Corporation for the purposes of the Sale of Food and Drugs Acts 1875 to 1907.

172.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the lung in an advanced stage and that he is employed in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the said medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Power to prohibit persons in advanced stage of tuberculosis from selling &c. food.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power

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(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Penalty on original vendor of unsound food.

173.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) and found in the possession of any person was sold to him by another person for the food of man (the proof that the same was not sold for the food of man resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 the person to whom the same belongs or did belong at the time of deposit of such article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecu-

tion under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

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174. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any article of food intended for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly.

Further powers in relation to unsound meat.

175. The veterinary inspector of the Corporation may exercise the powers of section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 in the same manner as the medical officer or the sanitary inspector and the Public Health Acts shall apply within the borough as if such veterinary inspector were mentioned in the said section in addition to the medical officer and the sanitary inspector.

Extension of powers of veterinary inspector.

176. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within the borough or to bring into the borough any carcase or part of a carcase so blown or inflated and any person so blowing or inflating any carcase or part of a carcase or bringing into the borough or exposing or depositing for sale a carcase or any part thereof so blown or inflated shall be liable to a penalty not exceeding five pounds.

Prohibition of blowing or inflating carcasses.

177.—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

Medical practitioners to notify cases of food poisoning.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and

A.D. 1925. sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

Agreements
as to
slaughter-
houses.

178. At any time after the passing of this Act the Corporation may:—

(a) Acquire by agreement any premises within the borough used for the purpose of slaughtering animals intended for the food of man (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises;

(b) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

Power to
close
slaughter-
houses if
injurious to
public
health.

179.—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interest of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question. A.D. 1925.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

PART VIII.

PUBLIC BUILDINGS BATHS PARKS &C.

180. Subject to the provisions of this Act:—

(1) The Corporation may on lands of which for the time being they may be the owners or lessees or on lands to be acquired by them by agreement for the purpose erect and construct and hold furnish equip maintain insure and carry on a concert hall public hall assembly rooms rooms for all social purposes pavilions conservatories winter gardens band-stands and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante rooms

Power to provide and let public hall and other buildings.

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shelters refreshment rooms kitchens cloak rooms lavatories gardens pleasure grounds promenades model yacht ponds outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation and may provide erect and maintain offices as part of any such building or buildings:

- (2) The Corporation may for the purpose of erecting constructing providing and maintaining any such buildings as aforesaid purchase or take upon lease or otherwise acquire lands by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands:
- (3) The Corporation may grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Corporation on such terms and conditions as they may think fit.

As to baths:

181. Subject to the provisions of this Act:—

- (1) The Corporation may improve and maintain the existing swimming bath in Egerton Park in the borough and may equip the same with all necessary conveniences and appliances and may in the said park or on any part of the seashore or other land for the time being belonging to the Corporation construct and maintain open or covered sea-water or fresh-water swimming and other baths and bathing pools with all necessary conveniences and appliances:
- (2) The Corporation may make and enforce by-laws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto and for the several purposes

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mentioned in Schedule "A" annexed to the Baths and Washhouses Act 1846 in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 and sections 5 10 and 11 of the Baths and Washhouses Act 1878 so far as the same are applicable to swimming baths and are not inconsistent with the provisions of this Act shall extend and apply to such baths and the Corporation may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make:

- (3) In the application of the provisions of the Baths and Washhouses Acts for the purposes of this section section 5 of the Baths and Washhouses Act 1878 shall be read as if the words "not exceeding five months in any one year" and the words "from the beginning of the month of November to the end of the month of March" and the proviso to that section had been omitted therefrom:
- (4) The Corporation may for the purpose of providing any such baths or bathing pools or for purposes in connection therewith as aforesaid purchase or take on lease or otherwise acquire land and buildings in the borough by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands:
- (5) The Corporation may also lay down and provide such sea-water intake pipes apparatus and fittings as may be incidental to or necessary for supplying sea water to any baths belonging to them and for the purpose of laying and repairing such pipes apparatus or fittings may break up streets repairable by them and alter the position of any culverts pipes and wires under any street. Provided that the Corporation shall not alter the position of or

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otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act :

- (6) The Corporation may let on lease to any company or person for such term and on such conditions as they may think fit any baths provided by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths contained in this section.

Use of swimming baths in winter.

182. The Corporation may from the first day of October to the first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes free from any restriction contained in the Baths and Washhouses Acts 1846 to 1899.

Use of swimming baths &c. for exhibitions and entertainments.

183. The Corporation may close to the public and may reserve the exclusive use of any swimming bath open bathing place or bathing pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises regattas or for any other entertainment or exhibition or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath open bathing place or bathing pool such sums for the exclusive use of such bath place or pool or for admission of persons thereto as they may think fit.

Byelaws as to family and mixed bathing.

184. Notwithstanding anything to the contrary contained in the Baths and Washhouses Acts 1846 to 1899 the following provisions shall have effect :--

- (1) The power of the Corporation to make byelaws for the management use and regulation of the public baths shall extend to enable them to permit any swimming bath open bathing place or bathing pool to be used for the purpose of family bathing (that is to say by any males and females members of families bathing together at the same time) or of mixed bathing (that

is to say by males and females bathing together (at the same time) during such hours and subject to such regulations as shall be prescribed in such byelaws provided that by such byelaws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males who have attained the age of eight years and females respectively and proper costumes worn : A.D. 1925.

- (2) The provisions of sections 10 and 11 of the Baths and Washhouses Act 1878 shall apply in reference to such byelaws as if the same were made under that Act and the Corporation may accordingly exercise all the powers conferred upon them by the said sections in reference to the enforcement of such byelaws.

185. When any portion of a public park or pleasure or recreation ground is set apart by the Corporation for any purpose under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and specially laid out and maintained for any such purpose the Corporation may charge reasonable sums for the use thereof for that purpose. Charge for use of parts of recreation grounds &c. set apart for certain purposes.

186. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of any buildings or enclosures in any of their parks recreation grounds baths bathing pools model yacht ponds or lands used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms reading rooms and conveniences in connection therewith as they may deem fit. Power to charge for admission.

187. Subject to the provisions of this Act—

- (1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions regattas and amusements in any public buildings halls or buildings connected with baths bathing pools model yacht ponds or rooms belonging to them or in any parks or recreation grounds Provision of concerts entertainments &c.

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for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Corporation may let any such buildings baths bathing pools model yacht ponds or rooms belonging to them or any parks or recreation grounds for the purpose of such concerts entertainments athletic meetings exhibitions regattas or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit Provided that nothing in this subsection contained shall enable the Corporation themselves to use or to let any concert hall public hall pavilion building or room for the purpose of a cinema theatre and that nothing in this subsection contained shall enable the Corporation themselves to use any concert hall pavilion conservatory winter garden or assembly room erected under the powers of this Act for the performance of stage plays by professional companies of performers but this subsection shall not apply to the buildings known as "the Colonnade" and "the Pergola" as they now exist nor shall anything in this subsection prevent the Corporation from letting any such concert hall pavilion conservatory winter garden or assembly room for the performance of stage plays :

- (2) The Corporation may in any public buildings halls baths bathing pools model yacht ponds parks or recreation grounds vested in them enclose an area for the purpose of any such concerts or other entertainments athletic meetings exhibitions regattas and amusements as aforesaid or for any performance by such bands or choirs :
- (3) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section :

(4) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this section : A.D. 1925.

(5) The Corporation may pay or contribute towards the cost of providing and maintaining at public places in the borough and on passenger boats and motor omnibuses plying between the borough and other places and in newspapers published in the counties of Sussex and Kent advertisements of any concerts entertainments athletic meetings exhibitions regattas or amusements given or provided in pursuance of this section :

(6) Any expenses incurred by the Corporation under the provisions of this section may be paid by the Corporation out of the borough fund Provided always that the net amount of any payments or expenses made and incurred by the Corporation under the provisions of this section after deducting any moneys received by them under the provisions of this section shall not in any one year exceed a sum equivalent to that which would be produced by a rate of threepence in the pound levied on property in the borough assessable in that year to the borough rate.

188. Subject to the provisions of this Act—

(1) The Corporation may upon the foreshore belonging or let on lease to them erect provide furnish equip and repair and may let to or may permit any person subject to such charges and upon such terms and conditions as the Corporation think fit to occupy any site and thereon to use and carry on booths tents bathing huts shops stalls or stands for the sale of refreshments or of articles or commodities of any kind or for the giving of entertainments exhibitions and amusements and for any other purpose tending to promote the recreation health or pleasure of the public :

(2) The Corporation may let for such periods and upon such terms and conditions as they think

Provision
and use of
booths tents
shops stalls
stands &c.

A.D. 1925.

fit any booths tents bathing huts shops stalls or stands erected or provided by them under this section :

- (3) The Corporation may upon such terms and conditions as they think fit permit any person by whom any booths tents bathing huts shops stalls or stands are used or carried on under this section to make charges for the use of the same or for admission to entertainments exhibitions and amusements therein :
- (4) The Corporation may provide and let for hire bathing tents and towels costumes and other apparatus for bathing purposes and may provide construct and maintain upon the pleasure grounds and seashore sheds and other conveniences for the storing of the same :
- (5) The Corporation may employ and pay boatmen for the purpose of protecting persons while bathing and may provide any boats for that purpose.

Shelters
seats or
chairs may
be provided.

189. The Corporation may subject to the provisions of this Act place or authorise any person or persons to place shelters with or without lavatories and sanitary conveniences seats or chairs for the use of the public in any street highway park recreation ground or pleasure ground or other public place and upon land adjoining streets highways and public places or on the foreshore belonging or let on lease to the Corporation and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of shelters seats and chairs and for preventing injury or damage thereto.

For protec-
tion of
trustees of
late John
William
Webb.

190. The provisions of the sections of this Act of which the marginal notes are respectively "Provision and use of booths tents shops stalls stands &c." and "Shelters seats or chairs may be provided" shall not extend or apply to any land above high-water mark of ordinary tides belonging or let on lease to the trustees of the late John William Webb.

Power to
appoint
officers.

191.—(1) The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations

made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant. A.D. 1925.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

192. Any moneys received by the Corporation in consequence of the exercise of the powers of this Part of this Act may be carried to the credit of a separate account to be called "the entertainments undertaking" and all expenses incurred by the Corporation in the exercise of such powers shall be paid out of such receipts. Any surplus upon the entertainments undertaking in any year shall be carried to the credit of the borough fund and any deficit in the said undertaking shall be paid out of the borough fund. As to receipts and payments under this Part of this Act.

PART IX.

VEHICLES POLICE &C.

193. The provisions of the Town Police Clauses Act 1847 and the byelaws of the Corporation in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises in the borough as if such railway station or railway premises were a stand for hackney carriages or a street: As to public vehicles plying for hire at railway stations.

Provided that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicle:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage in any railway station or railway premises or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

A.D. 1925.
—
Provisions
as to motor
vehicles let
for hire.

194. The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages except so much of such byelaws as relates to the fixing of fares shall apply to every horse-drawn or motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only Provided that this section shall not apply to any such vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or for journeys under special contract or to an omnibus as defined in the Town Police Clauses Act 1889.

Power to
grant
occasional
licences.

195. An occasional licence for a public vehicle to ply for hire may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence.

Power to
impose test
on motor
drivers.

196. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit.

Inspection
and certifi-
cation of
taximeters.

197.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

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198. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the borough on days appointed for carnivals or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

Power to make regulations as to traffic on carnival &c. days.

199.—(1) No person shall in any esplanade parade public walk garden or place of recreation or on the seashore or beach (above or below high-water mark) within or adjoining the borough or in the approaches thereto respectively importune any person by touting for a hotel lodging-house refreshment house shop boat garden theatre tramway hackney carriage or any place of amusement or without the consent in writing of the Corporation hawk sell or offer for sale any article or commodity Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Corporation may think fit.

Prohibition of touting and hawking on esplanade &c.

(2) Any person offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding twenty shillings.

200. If any person shall erect provide or place or maintain on any esplanade parade or public walk or on the seashore or the approaches to the seashore any booth tent bathing hut shop stall stand or other erection or obstruction or shall use or carry on the same except in pursuance of the provisions of this or some other Act of Parliament or except with the consent in writing of the Corporation he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Penalty for unauthorised erection of booths &c.

201. The Corporation may make byelaws for prohibiting or regulating the distribution of handbills or the soliciting of alms on any esplanade parade or public

Byelaws as to esplanades &c.

A.D. 1925. — walk or on the seashore and the approaches to the seashore.

Penalty for crying newspapers. **202.** Every person who shall on Sundays in any street or public place call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings.

Power of constables to enforce byelaws as to parks &c. **203.** From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Act 1875 relating to any park or place of public resort or recreation ground under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the provisions of the said Act.

Fire alarms. **204.** The Corporation may erect or fix street fire alarms in such positions in any street road or public place in the borough as they think fit :

Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 :

Provided also that no fire alarm shall be erected or affixed in any street road or public place so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

PART X.

ELECTRICITY.

Application of schedule to Electric Lighting (Clauses) Act 1899 to electricity undertaking. **205.** The electricity undertaking authorised by the Bexhill Electric Lighting Order 1897 and the Corporation in respect thereof shall be subject to the provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act and so much of the said Order as is inconsistent with those provisions or this Act is hereby repealed without prejudice to anything done or suffered thereunder.

As to showrooms and offices **206.** The Corporation may in connection with and for the purposes of the electricity undertaking fit up

show-rooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

A.D. 1925.

207. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by the inhabitants at large within their area for the supply of electricity supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the Bexhill Electric Lighting Order 1897 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof:

Power to lay electric mains in private streets.

Provided that the Corporation shall not without the consent of the Southern Railway Company lay down or place any electric mains wires and apparatus in any road or street for the time being belonging to or forming the approach to any station or depôt of such railway company.

208. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the provisions of the Bexhill Electric Lighting Order 1897 the Corporation may construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the limits within which the Corporation may supply electricity sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient.

Power to construct electrical sub-stations under streets.

209.—(1) No consumer to whom electricity is supplied by the Corporation for power purposes shall without the consent in writing of the Corporation use such electricity for lighting purposes or suffer it to be so used.

Use for lighting purposes of electricity supplied for power.

Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter

A.D. 1925. fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for power purposes shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as for the time being they may be charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for power purposes within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

Any court having jurisdiction to impose such penalty may and shall on the application of the Corporation decide upon what portion (if any) of such electricity the higher charge as aforesaid shall be payable to the Corporation.

(2) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

Provisions
as to supply
of electricity
by agree-
ment.

210.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement. Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 23 of the Bexhill Electric Lighting Order 1897 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if

the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation : A.D. 1925.
—

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

211.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of energy taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882. As to maximum power which may be demanded.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

212. In case any owner or occupier of premises who has hired from the Corporation any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Corporation may notwithstanding anything contained in the Electricity (Supply) Acts 1882 to 1922 sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Corporation. Sale of electrical apparatus let on hire.

213. The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electricity by the Corporation with respect to the nature material workmanship and mode of Byelaws as to apparatus and fittings.

[Ch. cxxiv.] *Bexhill Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 (Regulations to be inserted in licences &c.) of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

Period of error in defective meters.

214.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Entry upon premises
Penalty for obstruction.

215.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Corporation and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

Power to recover charge for re-connection.

216. Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

217. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electricity from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges. Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

A.D. 1925.

Discounts
for prompt
payments.

PART XI.

RATING PROVISIONS.

218.—(1) This Part of this Act shall come into operation on the thirty-first day of March one thousand nine hundred and twenty-six.

Commence-
ment and
interpreta-
tion.

(2) In this Part of this Act unless the subject or context otherwise requires—

“The parish” means the parish of Bexhill;

“The overseers” means the overseers of the parish;

“The poor rate” means the poor rates of the parish;

“The consolidated rate” means the poor rate as by this Part of this Act authorised to be levied and collected.

219.—(1) (a) Notwithstanding anything to the contrary contained in any Act or Order from and after the commencement of this Part of this Act the council shall be the overseers and all powers duties and liabilities exercisable by or attaching to overseers shall be exercisable by and extend and apply to the council acting as overseers:

Council
to be
overseers.

Provided that—

- (i) Any person designated by the Corporation as hereinafter mentioned to perform duties in relation to the preparation of the jurors' book and the register of electors shall have the powers and duties and be subject to the liabilities of overseers under the enactments relating to these subjects;

[Ch. cxxiv.] *Bexhill Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

- (ii) In the application to the parish of section 54 of the Poor Law Amendment Act 1834 the said section shall be read and construed as if for the references therein to any overseer there were substituted references to any guardian representing any ward of the parish;
- (iii) In the application to the parish of sections 13 to 16 and section 20 of the Lunacy Act 1890 and section 2 of the Lunacy Act 1891 the said sections shall be read and construed as if references therein to an overseer had been omitted therefrom;
- (iv) The town clerk shall have the powers and duties and be subject to the liabilities of an overseer or overseers with respect to the matters specified in the Fourth Schedule to this Act and any other powers and duties of an overseer or overseers with respect to matters similar in character to the matters specified in the said Fourth Schedule which may be transferred to the town clerk by order of the Minister of Health who is hereby empowered to make any such order accordingly.

(b) The overseers of the parish shall go out of office at the commencement of this Part of this Act.

(c) Separate accounts shall be kept of the transactions of the council acting as overseers and the enactments relating to the audit of the accounts of overseers shall apply to such separate accounts.

(2) (a) After the thirty-first day of March nineteen hundred and twenty-six every precept issued by the guardians of the Battle Union for the purpose of obtaining money which is ultimately to be raised by the council acting as overseers out of the consolidated rate shall be sent to the council at their office addressed to the council or the town clerk.

(b) Any document required to be signed by the overseers may be signed by the town clerk.

(3) References in any Act to the overseers shall be construed as references to the council and the legal interest in all property vested in the overseers (other than property connected with the affairs of the church or

held for an ecclesiastical charity within the meaning of the Local Government Act 1894) shall vest in the council. A.D. 1925.

(4) Where the overseers as such are trustees of any charity such number of persons not exceeding the number of overseer trustees as the council may appoint shall be trustees in their place. The term of office of a trustee so appointed shall be four years.

220. On the commencement of this Part of this Act all and every right custom privilege or power other than in matters ecclesiastical and in relation to ecclesiastical charities within the meaning of the Local Government Act 1894 vested in or exerciseable by the parishioners ratepayers or inhabitants in vestry assembled of the parish shall cease to be so vested or exerciseable and every such right custom privilege or power shall for and within the parish be vested in and exerciseable by the Corporation. Transfer to Corporation of powers of vestry.

221.—(1) The council may appoint and remove such officers as they deem necessary to assist in the discharge of the duties of overseers and may fix the remuneration to be paid to such officers. As to appointment of officers to assist overseers.

(2) The registration officer may before the preparation of the autumn register in any year require the Corporation to designate one or more of the assistant overseers or other officers appointed under this section to perform the duties of overseers in relation to the preparation of the jurors' book and register of electors in that year and the Corporation shall forthwith comply with any such requirement of the registration officer. The remuneration of or expenses incurred by any such officer in respect of the performance of such duties shall continue to be payable in accordance with the provisions of the enactments relating to these subjects.

(3) (a) Any assistant overseer appointed by the council and all officers appointed or to be appointed by the council to assist in the discharge of the duties of overseers shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Minister of Health shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation and not with the board of guardians.

A.D. 1925.

(b) Assistant overseers appointed by the council shall not be required to give security to the guardians of the Battle Union under section 61 of the Poor Law Amendment Act 1844.

All ex-
penses of
Corporation
to be paid
out of
borough
rate.

222.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund and general district rate or either of them shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

(2) The district fund shall be closed and any balance which at the commencement of this Part of this Act is standing to the credit or to the debit of the district fund or the general district rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the district fund or of the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

(3) The Corporation may make and levy any borough rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

Contribu-
tion to
borough
rate to be
paid out of
poor rate.

223. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate to be made for the parish and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall apply to such contribution.

224. The poor rate (inclusive of the contributions to the borough fund levied in pursuance of the provisions of this Act) shall be called "the consolidated rate" but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

A.D. 1925.

Poor rate
to be called
"the con-
solidated
rate."

225. The following provisions shall have effect in the application of the Poor Rate Assessment and Collection Act 1869 (in this section hereinafter called "the said Act") within the borough and the parish:—

Application
of Poor
Rate Assess-
ment and
Collection
Act 1869.

- (1) The commission which may be allowed under section 3 of the said Act may be of such amount not exceeding twenty per centum as the Corporation may from time to time determine:
- (2) The abatement and deduction and the further abatement and deduction which may be allowed under section 4 of the said Act of fifteen per centum and fifteen per centum respectively may be of such amounts not exceeding ten per centum and ten per centum respectively as the Corporation may from time to time determine:
- (3) The amount of such commission or abatement and deduction as aforesaid which may be from time to time allowed as aforesaid may vary according to the rateable value of the hereditament to which for the time being it shall be determined by the Corporation to apply provided that such amount shall be the same for the time being in the case of all hereditaments for the time being of a like rateable value:
- (4) Notwithstanding anything in this Part of this Act contained the provisions of this section shall come into operation on the passing of this Act but so that any resolution thereafter passed by the Corporation under the said provisions and any agreement with or notice by any owner thereafter made or given under either of the said sections 3 and 4 of the said Act shall not take effect until after the commencement of this Part of this Act and any agreement with or notice given by any owner

A.D. 1925.

under either of the said sections in force at the passing of this Act shall be and the same are hereby determined on and from the commencement of this Part of this Act.

Differential consolidated rate in certain cases

226. The provisions contained in this section shall have effect in the parish with respect to the consolidated rate to be made and levied by the overseers (that is to say) :—

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but shall be liable to pay in each year sixty per centum only of the rate payable in respect of hereditaments not within the provisions of this section :

(2) Provided that—

(a) During the continuance of the Agricultural Rates Acts 1896 and 1923 the occupier of any agricultural land as defined in the Agricultural Rates Act 1896 shall be liable to pay in each year in respect of such land only twenty-five per centum of the rate in the pound payable in respect of hereditaments not within the provisions of this section ;

(b) If the Agricultural Rates Act 1923 shall expire before the expiration of the Agricultural Rates Act 1896 “thirty-eight per centum” shall during the continuance of the last-mentioned Act be substituted for “twenty-five per centum” in paragraph (a) of this subsection ;

(c) During the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the borough as if the

following provision were substituted for section 1 thereof (that is to say):— A.D. 1925;

“ The owner of tithe rentcharge attached to a benefice shall be liable to pay only sixty per centum of the amount payable under subsection (1) of the section of the Bexhill Corporation Act 1925 of which the marginal note is “ Differential consolidated rate in certain cases ” in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining forty per centum thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant ” :

(3) Nothing in this section shall in any way affect—

(a) The share of the annual grant payable under the Agricultural Rates Act 1896 to any spending authority or save as expressly provided in this Act the operation of that Act; or

(b) The operation of the Agricultural Rates Act 1923 or the power of the Minister of Health to estimate as respects each half year after the commencement of this Part of this Act the amount of the deficiency which would have arisen by reason of section 1 of that Act if this Act had not been passed in the produce of any rate for the purpose of the issue from the local taxation account of the share of any spending authority in the additional annual grant under the Agricultural Rates Act 1923; or

(c) The operation of the Ecclesiastical Tithe Rentcharges (Rates) Acts 1920 and 1922; or

(d) The amount of the contribution for any purposes to be made by the parish out of the consolidated rate.

A.D. 1925.

Appeals.

227.—(1) If any occupier referred to in subsection (1) of the section of this Act of which the marginal note is “Differential consolidated rate in certain cases” claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions for the county of East Sussex holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days’ notice in writing of such appeal and of the grounds thereof be given by the appellant to the Corporation.

(2) On appeals under this section the court to which such appeal shall be made shall have power to determine the amount payable by the occupier in respect of such rate and to award costs between the parties to the appeal.

Amendment
of consoli-
dated rate.

228. In addition and without prejudice to any other powers which may be exercised by them the overseers may amend the consolidated rate by inserting therein the name of any person claiming or entitled to have his name inserted or by inserting the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been assessed or by raising or reducing the sum at which any person has been assessed if it appears to the overseers that he has been under-rated or over-rated or by making any other alteration which would make the rate conformable to the provisions of this Act and no such amendment shall be held to avoid the rate:

Provided that—

(1) Any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment;

(2) An amended rate shall not be payable by any person the amount of whose rate is increased

by the amendment or whose name is thereby newly inserted until seven days after such notice has been given to him. A.D. 1925.

229.—(1) Any water rent or charge for gas or electricity payable to the Corporation may be collected together with the consolidated rate and the same books may be used for the said rents charges and rates. Water rent may be collected with consolidated rate.

(2) The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate water rents or charges for water gas or electricity shall be in such form as the Minister of Health may from time to time prescribe.

230. For the purposes of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor's rate caused by lands being taken) of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be fifty per centum of the amount in the pound of the consolidated rate. Application of section 133 of Lands Clauses Consolidation Act 1845.

231. No warrant of commitment in respect of non-payment of the consolidated rate shall be issued against any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate. As to recovery of consolidated rate.

232. The provisions of section 267 (Service of notices) of the Public Health Act 1875 shall apply to any demand note for the consolidated rate in respect of any hereditaments in the borough to be served by the overseers and also in respect of water rents rates or charges and demands and notices for gas and electricity charges to be served by the Corporation. Service of rate &c. demands by post.

233.—(1) The overseers of the parish may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditament in the parish (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the Fifth Schedule to this Act and containing the particulars therein mentioned or referred to : Overseers may require returns.

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Provided that (except for purposes connected with the preparation of and preliminary to a general revaluation for rating) the powers conferred by this section shall only be exercised—

- (a) Upon any change in the occupation or ownership of any hereditament; or
- (b) Upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or
- (c) In the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within fourteen days after receipt of such notice as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds.

(3) The overseers shall whenever required by the assessment committee of the Battle Union produce from time to time to such committee such returns or any of them obtained by the overseers under the provisions of this section.

(4) Nothing in this section shall require any railway company to include in any return which they may be required to send to the overseers particulars with respect to their running lines sidings or stations.

234. The purposes to which the borough fund is applicable shall include the provision of a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of the powers and duties the cost of which is charged on the borough fund and the Corporation may (in estimating the amount sufficient for those purposes and in ordering the borough rate to be made) include such a sum as they may consider to be necessary for the provision of such working balance.

Borough
rate may
include
working
balance.

PART XII.

A.D. 1925.

FINANCIAL PROVISIONS.

235.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be “the prescribed period”) mentioned in the third column thereof (namely):—

Power to borrow.

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the purchase of the undertaking of the company and for defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Corporation (other than the costs of this Act).	The sum requisite £	Forty-five years from the day of transfer.
(b) For and in connection with the construction of the well and pumping station Work No. 1 authorised by this Act.	19,900	Thirty years from the date or dates of borrowing.
(c) For the construction of the line of pipes Work No. 2 authorised by this Act.	100	Thirty years from the date or dates of borrowing.
(d) For paying the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for the purposes of the water undertaking and of the gas undertaking and for any of the other purposes of this Act including the provision of working capital for the gas and water undertakings and for the purposes of the borough fund.

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(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

Certain provisions of Public Health Acts not to apply.

236. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Mode of raising money.

237. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

238. Subject to the provisions of the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Mode of payment off of money borrowed.

239. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the

moneys are repaid by half yearly instalments within six months from the date of borrowing. A.D. 1925.

240.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either :— Sinking fund.

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall subject to the provisions of this Act unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such

A.D. 1925. sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as that Minister may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed

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period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay the moneys in respect of which the sinking fund is formed within the prescribed period the Corporation may with the consent of that Minister discontinue the annual payments to such sinking fund until the Minister of Health shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister of Health may determine.

241.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

Power to use sinking fund instead of borrowing.

(a) a loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(b) moneys borrowed and charged upon all revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is
“Power to use one form of mortgage for all

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purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

- (a) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (b) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;
- (c) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Minister of Health with regard to the exercise of the powers contained in this section as that Minister shall require.

Power to
re-borrow.

242.—(1) The Corporation shall have power—

- (a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or
- (b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the

Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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—

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

243.—(1) The Corporation shall make provision for the extinction of the mortgage debts of the Company by means of a sinking fund so as to purchase and extinguish or to be in a position to purchase and extinguish the said mortgage debts within a period of forty-five years from the day of transfer and if at the end of that period the said mortgage debts are not wholly extinguished then the Corporation shall so long as they are liable to pay interest thereon apply in or towards payment thereof the annual income arising from the sinking fund provided under this section.

Sinking fund for debentures of Company.

(2) The foregoing provisions of this Act with reference to sinking funds shall extend and apply with any necessary modifications to the sinking fund to be provided under this section and for the purposes thereof the prescribed

A.D. 1925. period shall be the period of forty-five years from the day of transfer.

(3) The Corporation may at any time apply the whole or any part of the sinking fund to be provided under this section in or towards paying off the mortgage debts of the Company. Provided that if such fund be an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(4) (a) At any time before the expiration of the prescribed period the Corporation may borrow at interest such money as they may require for the payment off of the mortgage debts of the Company or any part thereof.

(b) The provisions of this Act with reference to the borrowing of money and the re-borrowing and repayment thereof shall extend and apply to all money borrowed under this subsection and for the purposes of those provisions the prescribed period shall be the period of forty-five years from the day of transfer.

As to section 234 of Public Health Act 1875.

244. In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Corporation under those Acts.

Power to use one form of mortgage for all purposes.

245.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of

the Corporation and may be made in the form contained in the Sixth Schedule to this Act or to the like effect. A.D. 1925.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) There shall be kept at the office of the town clerk a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(6) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Sixth Schedule to this Act or to the like effect.

(7) There shall be kept at the office of the town clerk a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(8) On the registration of any transfer the transferee his executors or administrators shall be entitled to the

A.D. 1925. full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(9) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Consolidated loans fund.

246.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order as from the thirty-first day of March one thousand nine hundred and twenty-six or as from any succeeding thirty-first day of March the Corporation may if they think fit establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received—

- (a) All moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys temporarily borrowed without security in connection with the exercise of duly authorised borrowing powers;
- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except of such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the thirty-first day of March as from which the consolidated loans fund shall be established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation— A.D. 1925.

(a) In the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; or

(b) In the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation:

And any moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

247. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations (if any) thereof required to be set apart for or paid into such sinking fund or loans

Investment of and payments into sinking fund.

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A.D. 1925. fund for the purpose of providing for the repayment of
— moneys borrowed by the Corporation (that is to say):—

- (1) The Corporation may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities :
- (2) The accumulations of the said yearly sums shall be paid and provided out of the borough fund and borough rate and any interest dividends and the proceeds arising from the investment of the said yearly sums and the accumulations thereof including any moneys standing to the credit of any sinking fund or loans fund as aforesaid at the passing of this Act shall be paid into the borough fund.

Use of
moneys
forming
part of
sinking and
other funds.

248. The Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any fund accumulated for the redemption of debt or as a reserve renewals contingent or insurance fund (in this section respectively referred to as "the lending fund") and not for the time being required for the purpose for which the moneys have been accumulated subject to the following conditions :—

- (1) The money so used shall be repaid by the borrowing fund to the lending fund as and when required out of the revenues of the Corporation within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable Provided that the Corporation may if they so determine repay to the lending fund the amount so used at any time within the period aforesaid :
- (2) Interest shall be paid by the borrowing fund to the lending fund on any moneys so used and for the time being not repaid to the fund and such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the revenues of the Corporation :

- (3) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply thereto. A.D. 1925.

249.—(1) The Corporation may from time to time for the purpose of providing temporarily for any current expenses that may be incurred by them in the execution of any Act of Parliament or Provisional Order confirmed by or under any Act of Parliament utilise any sinking funds or reserve funds which they may have in hand crediting the said sinking funds or reserve funds with such fair rate of interest not being less than three per centum per annum as they may resolve. The amount of any sinking or reserve funds which the Corporation may utilise for such purpose shall not aggregate at any time an amount equal to one-fourth of the aggregate amount of the before-mentioned expenses for the immediately preceding financial year. Power to use sinking funds or reserve funds temporarily.

(2) All sums borrowed by the Corporation under this section in respect of the current expenses of any financial year shall be repaid out of the revenue received by the Corporation in respect of such year.

(3) When the Corporation borrow money under this section—

- (a) the town clerk shall within forty-two days after the end of each financial year furnish to the Minister of Health a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Minister shall approve or require;
- (b) the Minister of Health may make such investigation as may be necessary to satisfy himself that the requirements of this section have been complied with and if it appear to the Minister of Health by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section that

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Minister may by order suspend the operation of the powers of this section for such period as he may think fit.

(4) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March nineteen hundred and twenty-six unless they shall have been continued by Act of Parliament or by an order made by the Minister of Health which order that Minister is hereby empowered to make and in the event of his making any such order he is hereby empowered to make such modifications or amendments in the provisions of this section as may appear to him to be necessary.

Application of money borrowed.

250. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed under the section of this Act whereof the marginal note is "Power to use sinking funds or reserve funds temporarily") to which capital is properly applicable.

Period for repayment of loans under Municipal Corporations Act 1882.

251. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister of Health shall in each case prescribe.

Evidence of transfer or transmission of securities.

252. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the treasurer of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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253. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

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Receipt in
case of
persons not
sui juris.

254. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Interest on
mortgages
held
jointly.

255. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund.

Expenses of
execution of
Act.

256. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register.

Corporation
not to
regard
trusts.

257.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall be not less than one thousand pounds in the whole.

Appoint-
ment of
receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

258. A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provisions of any Act relating to the Corporation or be bound to see to the application

Protection
of lender
from
inquiry.

A.D. 1925. or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Return to
Minister of
Health with
respect to
repayment
of debt.

259.—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the town clerk or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request 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 the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid 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 any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) The provisions of this section shall extend and apply to any annual returns required to be made to the Minister with regard to the repayment of debt

by any provisions of any Acts or Provisional Orders now in force in the borough or by any regulations made thereunder notwithstanding anything contrary to or inconsistent therewith in any such Act Order or regulation. A.D. 1925.

260. All money received by the Corporation on account of the revenue of the following undertakings (namely) :— Application of revenue and payment of expenses of undertakings.

- (1) the water undertaking;
- (2) the gas undertaking;
- (3) the electricity undertaking;

together with the net receipts from the entertainments undertaking shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of the three first named undertakings shall be paid out of that fund.

261.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the following undertakings (that is to say) the water undertaking the gas undertaking and the electricity undertaking (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say)— Separate accounts in respect of certain undertakings.

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation (including in the cases of the water undertaking and the gas undertaking the interest payable on the debenture stock of the Company transferred to the Corporation) for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking and in the case of the water undertaking and

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the gas undertaking in respect of the debenture stock of the Company transferred to the Corporation;

- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to a reserve fund which the Corporation are hereby authorised to maintain (if the Corporation think fit) in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation upon the undertaking which fund shall be applicable to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(2) Whenever the money received by the Corporation from the water undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Corporation for the supply of water to be made and charged in the next succeeding year shall be reduced in such manner as the Corporation think fit to an extent equivalent to the amount of such excess. Provided that if owing to an increase in the estimated expenditure or to a reduction in the estimated revenue for the said next succeeding year the amount of such excess or any part thereof will

be required in order that the revenue may not be less than the amount to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess. A.D. 1925.

(3) Whenever the money received by the Corporation from the gas undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section and (during a period of seven years from the first day of April one thousand nine hundred and twenty-six) the amount (if any) by which the revenue of the water undertaking fails to meet the sum required to provide for the several purposes mentioned in subsection (1) of this section in respect of that undertaking then the charges of the Corporation for the supply of gas to be made and charged in the next succeeding year shall be reduced in such manner as the Corporation think fit to an extent equivalent to the amount of such excess Provided that if owing to an increase in the estimated expenditure on or to a reduction in the estimated revenue from the gas undertaking for the said next succeeding year the amount of such excess or any part thereof will be required in order that the revenue from that undertaking may not be less than the amount to be expended or set aside for the said several purposes in connection with that undertaking the reduction in charges may be such only as will reduce the revenue of that undertaking by the amount of the balance of such excess.

262.—(1) The Corporation shall apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in or towards the extinguishment of 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 provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health. Proceeds of sale of surplus lands.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any local Act (other than this Act) for

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Form of accounts.

263. Notwithstanding anything contained in this Act the Corporation shall show in their accounts relating to any undertaking or purpose all items (including payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

Apportionment of items.

264. In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to either of them any receipts credits payments and liabilities which from time to time it appears to them ought to be so apportioned or carried.

Audit of accounts.

265.—(1) From and after the thirty-first day of March nineteen hundred and twenty-five sections 25 26 and 27 of the Municipal Corporations Act 1882 and section 246 of the Public Health Act 1875 shall cease to apply to any accounts of the Corporation or of the treasurer or of the officers of the Corporation and all accounts of the Corporation and of the treasurer and the officers of the Corporation under any public or private Act of Parliament or otherwise relating to matters dealt with by the Corporation in any capacity and including the accounts of any joint committee and of the officers of any joint committee appointed by the Corporation with the council of any county borough or district or any parish council shall be audited by a district auditor appointed by the Minister of Health in like manner as accounts of an urban authority and their officers are audited under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors including the enactments imposing penalties and providing for the recovery of sums as well as all enactments relating to matters incidental to or consequential upon any such accounts or audit shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of that authority they were herein re-enacted with the necessary modifications and accordingly all

burghesses of the borough and all ratepayers and owners of property in the borough shall have the like rights and there shall be the same appeal as in the case of that audit.

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(2) Nothing in subsection (1) of this section shall apply to the audit of the accounts of the Corporation for the financial year ending the thirty-first day of March nineteen hundred and twenty-five.

(3) The Corporation may out of the borough fund—

(a) Pay reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of the said associations or any of them and of purchasing reports of the proceedings of any such conferences or meetings;

(b) Pay the reasonable expenses of the Corporation in providing public entertainments on the occasion of public ceremony or rejoicing and in the reception and entertainment of distinguished bodies or persons residing in or visiting the borough; and

(c) Pay reasonable subscriptions not exceeding in the whole fifty guineas in any one year in aid of local units of the territorial forces rifle clubs and other institutions established in or connected with the borough for the purpose of rendering national or public services.

PART XIII.

MISCELLANEOUS.

266. The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with their water electricity and gas undertakings and offices showrooms and other

Dwelling-houses for employees and other buildings.

A.D. 1925. buildings for the purposes of those undertakings and they may also erect maintain and let any such buildings upon any land for the time being belonging or leased to the Corporation for those purposes.

Power to retain sell &c. lands.

267. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale 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 or any other local Act for the time being in force in the borough 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.

Ejection of steam and waste gas to annoyance of public.

268.—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public.

(2) Any person who shall cause or permit steam waste gas or condensing water to be ejected or discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Removal of sand &c. from foreshore.

269. Subject to the provisions of this Act and without prejudice to the provisions of the section of this Act of which the marginal note is "Crown rights":—

(1) Any person who is not or does not derive title from a grantee from the Crown and who at any time digs away or removes any sand gravel shingle rock or other material from the foreshore without having first obtained the permission in writing of the Corporation or who having

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obtained such permission digs carries away or removes any sand gravel shingle rock or other material from any part of the foreshore or in any quantity or manner other than the part quantity or manner permitted shall for every such offence be liable to a penalty not exceeding five pounds :

- (2) Nothing in this section shall affect prejudicially in any way the rights of the Right Honourable Herbrand Edward Dundonald Brassey Sackville Earl De La Warr and his successors in title being owners of the De La Warr estates in any part of the foreshore Provided always that nothing herein contained shall be held to recognise or confirm any right title or claim of the said Earl De La Warr or his successors in title to any foreshore at Bexhill but the right and title to such foreshore shall remain in the same state as if this Act had not been passed :
- (3) The Corporation shall not themselves nor shall they give any permission in writing to any other person to dig away or remove any sand gravel shingle rock or other material from that part of the foreshore lying between the east side of Galley Hill and the borough boundary at Glyne Gap :
- (4) The provisions of this section shall not apply to any land belonging or let on lease to the trustees of the late John William Webb (hereinafter referred to as "the owners") above the present high-water mark of ordinary tides and nothing herein contained shall authorise or empower the Corporation to alter abridge diminish or interfere with any of the rights powers authorities and privileges now exercised or enjoyed by the owners in over or affecting such land or to alter abridge diminish or interfere with any rights powers authorities and privileges reserved to the owners or the late John William Webb by any deed or other document in respect of any other land above the present high-water mark of ordinary tides.

270. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act Power to Corporation

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A.D. 1925. 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary dispensary ambulance brigade or other institution of a similar character such sum or sums as they may from time to time think fit not exceeding in any year the amount which would be produced by the levying of a consolidated rate of one penny in the pound and to charge the amount of any such subscriptions to or apportion the same among all or any of their funds and revenues.

Power to expend money on lectures. **271.** In addition to any other powers exercisable by them whether as the local education authority or otherwise the Corporation may expend on the provision of lectures on educational or other subjects such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds.

In executing works in default of owner or occupier no liability for damages to be incurred except in case of negligence. **272.** Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Penalty on occupiers refusing execution of Act. **273.** If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Parts V. VI. or VII. of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from

the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. A.D. 1925.

274. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Parts V. VI. and VII. of this Act as if those purposes had been mentioned in the said section 102. Power of entry.

275. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act Provided that as respects byelaws made under the section of this Act of which the marginal note is "Byelaws as to esplanades &c." the Secretary of State shall be substituted for the Minister of Health Provided also that this section shall not apply to byelaws made under the section of this Act of which the marginal note is "Byelaws as to apparatus and fittings" and that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been given thereto. General provisions as to byelaws.

276. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be prima facie evidence of such appointment authority resolution order or report without Evidence of appointments authority &c.

A.D. 1925. — further proof of the holding of any meeting or the production of any minute book or other record or document.

Authenti-
cation and
service of
notices &c.

277.—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

As to
breach of
conditions
of consent of
Corporation.

278. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Consents of
Corporation
to be in
writing.

279. All consents given by the Corporation under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Apportion-
ment of
expenses in
case of joint
owners.

280. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such propor-

tions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. A.D. 1925.

281. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted. Damages and charges to be settled by court.

282. Proceedings for the recovery of any demand 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 any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

283. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Parts V. VI. VII. VIII. or IX. or this Part of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal. As to appeals.

284. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or Order 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.

285. Notwithstanding anything contained in the Second Schedule of the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage. Service of summons on members of council.

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Informa-
tions by
whom to be
laid.

286. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Recovery of
penalties
&c.

287. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner 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.

Penalties
to be paid
over to
treasurer.

288. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the borough fund or to such other fund as the Corporation shall direct.

Compensa-
tion how
to be deter-
mined.

289. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Powers
of Act
cumulative.

290. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Application
of Arbitra-
tion Act
1889.

291. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other

than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889. A.D. 1925.
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292. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments &c.

293. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein. Application of section 265 of Public Health Act 1875.

294. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges &c. not disqualified.

295.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by that Minister under the Public Health Act 1875. Inquiries by Minister of Health.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

296. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any Crown rights.

A.D. 1925. — river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Works
below high-
water mark
not to be
constructed
without
consent of
Board of
Trade.

297. The Corporation shall not nor shall any other body or person under the powers of this Act construct on over or under the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation or any other body or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such cost and charge shall be a debt due from the owner of such work to the Crown and shall be recoverable as a Crown debt or summarily.

Costs of
Act.

298. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of 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 borough fund and borough rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

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THE FIRST SCHEDULE.

AN AGREEMENT made this twenty-seventh day of May one thousand nine hundred and twenty-five between the MAYOR ALDERMEN AND BURGESSES of the BOROUGH OF BEXHILL (hereinafter called "the Corporation") of the one part and the BEXHILL WATER AND GAS COMPANY (hereinafter called "the Company") of the other part.

WHEREAS the Company were incorporated by the Bexhill Water and Gas Act 1885 and by that Act were authorised to supply water and gas within the parish (now the borough) of Bexhill in the county of Sussex and by the Bexhill Water and Gas Act 1904 their limits of supply both for water and gas were extended to include the parishes of Ninfield Hooe Catsfield Wartling and Ashburnham and so much of the parish of Hurstmonceux as is not within the limits of the Hailsham Water Company as defined by the Hailsham Water Act 1885 all in the said county of Sussex :

And whereas the Acts and Orders at present regulating the undertaking of the Company are set out in the Schedule hereto :

And whereas the issued capital of the Company consists of two thousand two hundred and thirty-five five per centum preference shares of ten pounds each three thousand four hundred original ordinary shares of ten pounds each entitled to a maximum dividend of ten per centum per annum and twelve thousand three hundred and seventy-two additional ordinary shares of ten pounds each entitled to a maximum dividend of seven per centum per annum :

And whereas the Company have raised by the issue of four per centum perpetual debenture stock a sum of forty-eight thousand pounds and by the issue of seven and a half per centum redeemable debenture stock a further sum of thirty thousand pounds :

And whereas the Company have under a declaration dated the twenty-ninth day of April one thousand nine hundred and twenty-four also issued seven and a half per centum redeemable debenture stock to the amount of fourteen thousand pounds to

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And whereas the Corporation are promoting in the present session a Bill for the purpose inter alia of authorising the acquisition by the Corporation either by agreement or compulsorily of the undertaking of the Company and the Company have presented a petition against the said Bill :

And whereas the Corporation and the Company have provisionally agreed that the undertaking of the Company shall be transferred to and vested in the Corporation upon the terms and conditions hereinafter set forth :

Now it is hereby agreed as follows :—

1. The Company shall sell and the Corporation shall purchase the undertaking of the Company including all lands buildings goods chattels money credits bills notes stock in trade stores plans maps drawings blue prints specifications and descriptions of works engineers' reports vouchers letters records assets rights privileges and authorities and all other the property real and personal of the Company including things in action and the full benefit of all contracts and agreements entered into by the Company Provided that the Company shall be entitled to retain such sum of money as may be required to pay the interest on the debenture stock and dividends on their preference and ordinary capital in accordance with the provisions in clause 10 hereof.

2. The said sale shall take effect as from the thirty-first day of December one thousand nine hundred and twenty-five (which day is hereinafter referred to as "the appointed day").

3. The Corporation shall take over all debts and liabilities outstanding on the day of transfer as hereinafter defined whether on capital or revenue account and shall discharge the same and indemnify the Company in respect thereof.

4. The Corporation shall take over the liability in respect of the said debenture stock and procure that the same shall be charged upon the revenues of the Corporation to the reasonable satisfaction of the directors of the Company Provided that if and when the Corporation shall repay to the Westminster Bank Limited the overdraft or otherwise discharge the claim of the said bank under the hereinbefore recited declaration the fourteen thousand pounds of seven and a half per centum redeemable debenture stock so issued as aforesaid shall be cancelled.

5. The Corporation shall pay all costs reasonably incurred by the Company at or subsequent to the transfer of the undertaking and incident thereto and a further sum not exceeding two hundred and fifty pounds in respect of the cost of winding up the Company.

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6. The Corporation shall pay to the Company a sum of one hundred and ninety-one thousand one hundred and ninety-five pounds twelve shillings and if for any reason the said sum shall not be paid on the appointed day the Corporation shall pay interest thereon at the rate of six per centum per annum from the appointed day until the day of transfer as hereinafter defined.

7. The receipt in writing of three directors of the Company for any money paid to the Company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misappropriation or non-application thereof. Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court and a receipt given to the Corporation by the cashier of the said bank for such money shall have the same effect as a receipt of such three directors.

8. On payment by the Corporation of the said sum of one hundred and ninety-one thousand one hundred and ninety-five pounds twelve shillings the undertaking of the Company shall be transferred to and vested in the Corporation and the day upon which the said sum shall be paid is in this agreement called "the day of transfer."

9. Until the day of transfer the Company shall maintain and carry on their undertaking as heretofore in the ordinary course of business maintaining normal quantities of consumable stores but the Company shall not without the previous consent of the Corporation under the hand of the town clerk—

- (a) make or enter into any new contract agreement liability or other obligation in respect thereof which shall involve a capital expenditure of more than one thousand pounds;
- (b) make any general alteration in the rates rents or charges which were being demanded and taken by the Company on the twenty-first day of March one thousand nine hundred and twenty-five; nor
- (c) increase the salary or wages which were payable to or alter the terms which were applicable to any officer or servant of the Company on the said twenty-first day of March one thousand nine hundred and twenty-five. Provided that the consent of the Corporation to any such increase of salary or wages shall not be unreasonably withheld.

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10. The Company shall be entitled in respect of the half-year ending the thirtieth June one thousand nine hundred and twenty-five to make and declare dividends upon their shares at the following rates, that is to say upon the preference shares five pounds per centum per annum upon the original ordinary shares eight pounds per centum per annum and upon the additional ordinary shares five pounds twelve shillings per centum per annum and in respect of the half-year ending on the appointed day dividends at the like rates shall be paid and if the moneys retained by the Company under the provisions of clause 1 hereof shall be insufficient for the purpose of meeting the interest on the debenture stock due on the appointed day and the said dividends the deficiency shall be provided by the Corporation.

11. The Corporation shall on completion of the purchase pay:—

(a) To each of the present directors of the Company who is in office on the appointed day a sum equivalent to seven years' purchase of the proportion to which he is at present entitled of the sum of one thousand and fifty pounds the total annual fees at present payable to the directors;

(b) To each of the present auditors of the Company who is in office on the appointed day a sum equivalent to three years' purchase of the proportion to which he is at present entitled of the sum of one hundred and five pounds the total annual fees at present payable to the auditors of the Company.

12.—(1) The Corporation shall pay to William May Jesty the present secretary of the Company an annuity at the rate of three hundred and fifty pounds a year or shall continue him in their service at his present salary as he may within three months after the appointed day elect.

(2) In the case of each of the Company's engineers namely Leonard George Humphrys and Charles Penrose King the following provisions shall have effect that is to say:—

The Corporation shall continue the engineer in their service at his present salary if he should within three months after the appointed day so elect to serve but if he should not so elect then shall pay to him one half of his present salary until he shall obtain a position at least equal to his present one and thereafter an annuity of one-fourth of such present salary.

(3) The Corporation shall pay compensation to any officer or servant (other than the said William May Jesty Leonard George Humphrys and Charles Penrose King and other than the directors and auditors of the Company and their ordinary work-

men) in the regular employment of the Company who shall not be retained by the Corporation in the same or similar office or employment and at the remuneration in and at which he was employed by the Company at the day of transfer in respect of any loss of office or loss or diminution of salary or income by reason of the transfer of the undertaking of the Company to the Corporation and no such officer or servant who shall have been in the service of the Company for fifteen years previous to the appointed day shall lose his right to compensation as aforesaid by reason of his declining within one month after the appointed day to enter into or continue in the service of the Corporation.

(4) The amount of compensation payable to any such officer or servant as aforesaid (other than those named in paragraphs (1) and (2) of this clause) under this section shall be an annual amount calculated in accordance with the following scale:—

(a) For each completed year of service one equal sixtieth part of the loss or diminution suffered by him in the annual salary and emoluments of his office as received by him for the year ending thirtieth June one thousand nine hundred and twenty-five but not exceeding in any case forty such sixtieths;

(b) In calculating the number of years of service of any such officer or servant as aforesaid the following additions shall be made:—

For twenty years of service and upwards ten years;

For fifteen years of service or more than fifteen but less than twenty such years seven years;

For ten years of service or more than ten but less than fifteen such years five years;

For five years of service or more than five but less than ten such years three years;

Under five years of service one year.

(5) Where any such officer as aforesaid was temporarily absent from his employment whilst serving in His Majesty's forces during the war such period of temporary absence shall be reckoned as service under the Company.

(6) If within a period of five years after the appointed day the services of any such officer or servant as aforesaid (including any of the officers named in paragraphs (1) and (2) who shall take service under the Corporation) are dispensed with by the Corporation because his services are not required and not on account of misconduct or incapacity or the salary of any such officer or servant is reduced on the ground that his duties have been diminished in consequence of the transfer of the undertaking to the Corporation the officer or servant shall be entitled

A.D. 1925. to compensation in accordance with the provisions of this section respectively applicable to them.

(7) In awarding after the appointed day pensions or calculating superannuation allowance to any such officer or servant as aforesaid taken over from the Company the Corporation shall take into account the continuous service with the Company of such officer or servant as if the same had been service with the Corporation.

13.—(1) The Corporation shall be entitled on the transfer of the undertaking to all books and documents of the Company other than the books and documents relating exclusively to the preference and ordinary stockholders of the Company and the minute books of the directors of the Company.

(2) The Corporation shall at any time before the transfer of the undertaking and thereafter the Corporation and the Company their solicitors and agents shall respectively be entitled to have access to and to take copies of all books and documents retained or handed over or to be handed over to the Corporation so far as the same may be necessary for any of the purposes aforesaid or for the winding up of the Company's affairs.

14. The foregoing provisions are subject to confirmation by Parliament and for the purpose of obtaining such confirmation the Bill promoted by the Corporation shall be amended so as to embody therein any provisions necessary for giving effect to the matters dealt with in this agreement and provision authorising the Company to distribute the purchase consideration hereinbefore mentioned by paying to each holder of preference shares the sum of ten pounds for every share held by him and by paying and distributing the net residue of the said consideration among the holders of the original ordinary shares and the additional ordinary shares on the basis that the holder of every additional ordinary share shall receive seven-tenths of the amount received by the holder of an original ordinary share.

15. The Company shall withdraw from opposition to the further proceedings on the Corporation's Bill except so far as may be necessary for seeing that the terms of this agreement are given effect to.

16. This agreement shall be subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill make any material alteration herein it shall be competent to either party hereto to withdraw herefrom.

17. If for any reason the purchase of the undertaking shall not have been completed by the thirtieth day of June one thousand nine hundred and twenty-six the Company shall be at liberty to determine this agreement by notice in writing to the

Corporation and thereupon this agreement shall become null and void and the right of the Corporation to purchase the undertaking shall lapse. A.D. 1925.
—

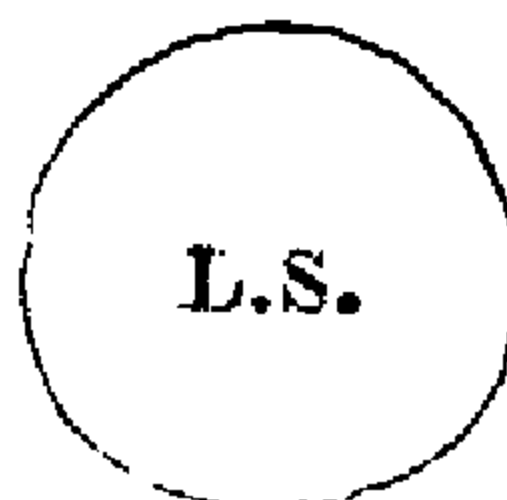
18. If the said Bill shall be withdrawn or rejected this agreement shall thereupon become null and void.

In witness whereof the Corporation and the Company have caused their respective common seals to be hereunto affixed the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO.

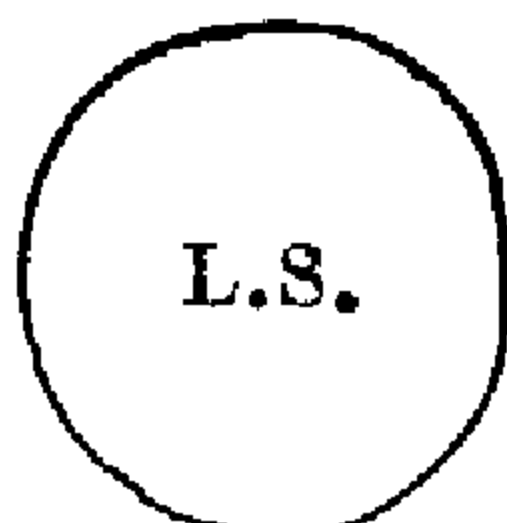
- The Bexhill Water and Gas Act 1885;
- The Bexhill Water and Gas Act 1892;
- The Bexhill Water and Gas Act 1896;
- The Bexhill Water and Gas Order 1901;
- The Bexhill Water and Gas Act 1904;
- The Bexhill Gas (Standard of Calorific Power) Order 1917;
- The Bexhill Water and Gas (Temporary Increase of Charges) Order 1919;
- The Bexhill Water and Gas Company (Capital Issues) Consent 1920;
- The Bexhill Gas (Charges) Order 1922; and
- The Bexhill Water and Gas Company (Modification of Charges) Order 1922.

The common seal of the mayor
aldermen and burgesses of the borough
of Bexhill was hereunto affixed in the
presence of



S. J. TAYLOR
Town Clerk.

The common seal of the Bexhill
Water and Gas Company was hereunto
affixed in the presence of



A. H. KERSEY
C. HOLMES HUNT } Directors.
WM. M. JESTY
Secretary.

A.D. 1925.

THE SECOND SCHEDULE.

**FORM OF DEED OF TRANSFER OF COMPANY'S
UNDERTAKING.**

Pursuant and subject to the provisions of the Bexhill Corporation Act 1925 and for the consideration mentioned in the agreement set forth in the First Schedule to that Act the Bexhill Water and Gas Company hereby grant convey and assign to the mayor aldermen and burgesses of the borough of Bexhill (hereinafter called "the said Corporation") the undertaking property and assets of the said company mentioned in the said agreement To hold the same unto and to the use of the said Corporation their successors and assigns subject as in the said agreement mentioned And the said Corporation do hereby accept the same accordingly.

In witness whereof the parties hereto have hereunto affixed their respective common seals the _____ day of
one thousand nine hundred and _____

THE THIRD SCHEDULE.

GAS LANDS.

A piece or parcel of land situate in the borough and parish of Bexhill 370 yards or thereabouts in length and 43 yards or thereabouts in width and containing by admeasurement 3 acres and 31 perches or thereabouts and situate adjoining and on the northern side of the Southern Railway (formerly the London Brighton and South Coast Railway) and forming portions of three fields numbered respectively 1,204 1,252 and 1,253 on the $\frac{1}{2500}$ Ordnance map of the said parish of Bexhill the western boundary of which piece or parcel of land will be 573 yards or thereabouts from and to the east of the bridge carrying the public road known as Sea Lane over the said railway.

THE FOURTH SCHEDULE.

A.D. 1925.

DUTIES OF OVERSEERS TRANSFERRED TO TOWN CLERK.

Subject Matter.	Act &c. imposing the Duty.
Liquor licences - - -	Licensing (Consolidation) Act 1910 sections 15 and 25.
Pawnbrokers' certificates -	Pawnbrokers Act 1872 section 42.
Notices under Education Act	Education Act 1921 section 161.
Army reserve - - -	Reserve Forces Act 1882 section 24.
Territorial army - - -	Territorial and Reserve Forces Act 1907 section 19.
Air force reserve - - -	The two last-mentioned enactments as applied by or under any other Act.
Auxiliary air force - - -	

THE FIFTH SCHEDULE.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE BEXHILL CORPORATION ACT 1925.

<p>1. Name of the street or road &c. in which the property is situate - Number of the house - - - (If not numbered state the name by which known.) Whether occupied with or without stables or other premises as part of the same property - - - The quantity of land (if any) and how used.</p>	
<p>2. Full Christian name and surname of occupier - - - -</p>	
<p>3. Name and address of owner or immediate lessor - - - (If not known state the name and address of the agent or person to whom the rent is paid.)</p>	

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Act, 1925.

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<p>4. Whether the property is occupied— (a) Wholly as a private residence - - - - - or (b) Partly as a dwelling-house and partly for trade or business purposes - - - - - or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - - (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any) -</p>	<p>(a) (b) (c) (d)</p>
<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - - -</p>	
<p>6. Amount of rent - - - - - or if ground rent only is paid state its amount - - - - -</p>	<p>£ per £ per</p>
<p>7. Whether the property is held under lease or agreement for a period of years - - - - - or by the year quarter month or week - - - - -</p>	
<p>8. (a) Date of commencement of term of lease or agreement - - - - - (b) Term of years for which granted (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - - (If none insert "None.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated <i>i.e.</i> the amount at which the property is worth to be let by the year the owner keeping it in repair - - - - -</p>	<p>Annual Value £</p>

A.D. 1925.

<p>10. (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 - (State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ . Borne by the (b) £ . Borne by the</p>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -</p>	
<p>12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - - (If each undertakes to bear part only of the cost of repairs state the particulars.)</p>	

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

THE SIXTH SCHEDULE.

FORM OF MORTGAGE.

BOROUGH OF BEXHILL.

By virtue of the Bexhill Corporation Act 1925 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Bexhill (hereinafter referred to as "the Corporation") in consideration of the sum of

pounds (hereinafter referred to as

"the principal sum") paid to the treasurer of the borough by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the

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Act, 1925.

A.D. 1925. principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ nineteen hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the town hall in the said borough [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the town clerk for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their common seal to be hereunto affixed this _____ day of _____ nineteen hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____ consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____ is hereby extended to the _____ day of _____ [and the interest to be paid thereon on and from the _____ day of _____ nineteen hundred and _____ is hereby declared to be at the rate of _____ per centum per annum].

Dated this _____ day of _____ nineteen hundred and _____

FORM OF TRANSFER OF MORTGAGE.

A.D. 1925.

I [the within-named] [of
] in consideration of the sum of pounds
paid to me by of
(hereinafter referred to as "the transferee") do hereby transfer
to the transferee [his] executors administrators and assigns [the
within-written security] [the mortgage number
of the revenues of the mayor aldermen and burgesses of the
borough of Bexhill bearing date the day
of] and all my right and interest under the
same subject to the several conditions on which I hold the same
at the time of the execution hereof and I the transferee for myself
my executors administrators and assigns do hereby agree to take
the said mortgage security subject to the same conditions.

Dated this day of
nineteen hundred and .

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FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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