

**CHAPTER xlvi.**

An Act to confer further powers on and to change the name of the Company of Proprietors of the Lewes Waterworks to extend their limits of supply and for other purposes.

A.D. 1928.

[2nd July 1928.]

WHEREAS by the Lewes Waterworks Act 1868 (hereinafter referred to as "the Act of 1868") the Company of Proprietors of the Lewes Waterworks (hereinafter referred to as "the Company") were authorised to maintain and renew waterworks belonging to them under the Local Act 3 & 4 William IV. c. 104 (which Act was repealed by the Act of 1868) and to supply water in the borough of Lewes and adjoining parishes :

And whereas the waterworks which the Company were so authorised to maintain and renew included a reservoir on lands belonging to the Company in the said borough and adjoining the Cockshut Stream and works for abstracting and conveying water from that stream and the Winterbourne Stream to the said reservoir and for pumping such water to the service reservoirs of the Company :

And whereas in or about the year 1875 the Company for the purpose of improving the quality of water supplied within the said borough and adjoining parishes constructed on their said lands a pumping station with a well boreholes and other works and for upwards of fifty

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— years have supplied the said borough and adjoining parishes with underground waters obtained by means of the said pumping station and have discontinued the supply of water obtained from the two said streams and it is expedient that the Company be authorised to continue to use their said pumping station and works connected therewith :

And whereas the whole of the share and loan capital of the Company authorised by the Act of 1868 has been raised and all moneys borrowed by the Company on mortgage (amounting together to £5,500) have been converted into ordinary shares and the capital of the Company now consists of the following shares and stock all of which are fully paid up viz. :—

£11,500 ordinary share capital (divided into 460 shares of £25 each) entitled to a maximum dividend of 10 per centum per annum ;

£13,000 ordinary share capital (divided into 520 shares of £25 each) entitled to a maximum dividend of 7 per centum per annum ; and

£2,400 preference stock entitled to a maximum dividend of 5 per centum per annum ;

and the Company have no existing loan capital :

And whereas by the Lewes Waterworks Company (Modification of Charges) Order 1922 (S.R. & O. 1922 No. 313) the rates which the Company were authorised by the Act of 1868 to charge for the supply of water for domestic purposes were increased :

And whereas in order to meet the growing demands for water in the Company's limits of supply and in adjoining parishes it is expedient to authorise the Company to construct new works and to raise additional capital and to extend the Company's limits of supply :

And whereas it is expedient that the rates and charges which the Company are authorised to demand for water supplied by them be increased and that further powers be conferred on the Company as by this Act provided :

And whereas it is expedient that the name of the Company be changed and that the other provisions of this Act be enacted :

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of 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 hereinafter respectively referred to as the deposited plans sections and book of reference :

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

1.—(1) This Act may be cited as the Lewes Water Act 1928.

Short and
collective
titles.

(2) The Act of 1868 and this Act may be cited together as the Lewes Water Acts 1868 and 1928.

2.—(1) The following Acts (so far as applicable for the purposes of this Act and not inconsistent with the provisions of the Act of 1868 or this Act) are hereby incorporated with this Act (namely) :—

Incorporation of Acts.

The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of borrowed money into capital;

The Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts;

The Waterworks Clauses Act 1847;

The Waterworks Clauses Act 1863.

(2) The Waterworks Clauses Act 1847 as incorporated with the Act of 1868 and this Act shall have effect as though—

(a) in section 35 the words “one eighth part” were substituted for the words “one tenth part”; and

(b) in section 44 the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” were omitted therefrom.

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Interpreta-
tion.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And unless the context otherwise requires—

“The Company” means the Company of Proprietors of the Lewes Waterworks;

“The Act of 1868” means the Lewes Waterworks Act 1868;

“The borough” means the borough of Lewes;

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

“The existing limits” means the limits defined in section 5 of the Act of 1868;

“The new limits” means the parish and portion of parish included in the Company’s limits of supply by subsection (1) of the section of this Act of which the marginal note is “Extension of limits of supply”;

“The limits of supply” means the limits within which the Company may supply water under the Act of 1868 and this Act;

“The undertaking” means the undertaking of the Company as from time to time authorised;

“The existing pumping station” means the pumping station of the Company (including the well boreholes machinery filters buildings and other works connected therewith) existing at the passing of this Act and situate partly in the borough and partly in the parish of Kingston near Lewes in the rural district of Newhaven on the south-eastern side of the main road from Lewes to Newhaven and in the enclosures respectively numbered 8 in the borough and 90 in the said parish on the Ordnance map (scale $\frac{1}{2500}$) edition of 1910 Sussex (East) sheet LIV 13;

“The new works” means the works described in subsection (1) of the section of this Act of which the marginal note is “Power to make works”;

“The 10 per centum shares” means the existing shares of twenty-five pounds each in the capital of the Company entitled to a maximum dividend of 10 per centum per annum; A.D. 1928.
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“The 7 per centum shares” means the existing shares of twenty-five pounds each in the capital of the Company entitled to a maximum dividend of 7 per centum per annum;

“The existing shares” means the 10 per centum shares and the 7 per centum shares;

“The appointed day” means—

(1) The twenty-sixth day of December nineteen hundred and twenty-eight if no Bill for the purchase of the undertaking is deposited by the Lewes Corporation in Parliament before the eighteenth day of that month in pursuance of the section of this Act of which the marginal note is “As to purchase of undertaking by Lewes Corporation”; and

(2) The twenty-sixth day of December nineteen hundred and twenty-nine if such a Bill is so deposited as aforesaid.

CHANGE OF NAME.

4. From and after the passing of this Act the name of the Company shall be “the Lewes Water Company.” Change of name.

EXTENSION OF LIMITS.

5.—(1) The limits within which the Company may supply water and exercise the powers conferred on them by the Act of 1868 and this Act shall extend to and include (in addition to the existing limits) the parishes of Iford and Kingston near Lewes in the rural district of Newhaven in the administrative county of East Sussex except so much of the said parish of Iford as is situated to the south of a line drawn due east and west through the point on Iford Hill marked 565 on the Ordnance map (scale 1 inch to the mile). Extension of limits of supply.

(2) Subject to the provisions of this Act the Company within the new limits shall have and may exercise all and the like powers privileges and authorities for and

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For protection of Brighton Corporation.

6. Nothing in this Act shall prejudice any right of the mayor aldermen and burgesses of the county borough of Brighton (hereinafter in this section referred to as "the corporation") whenever requested so to do by the occupier of any land house or property of the corporation situate within the distance of one and a half miles from the Balsdean Manor House to supply water to such occupier for use on any such land house or property or entitle the Company to oppose the giving by the corporation of any such supply.

WORKS AND LANDS.

Confirmation of existing pumping station

7.—(1) The construction by the Company of the existing pumping station is hereby sanctioned and confirmed and the Company may maintain and from time to time alter improve enlarge renew reconstruct or discontinue that pumping station and the well boreholes and other works forming part thereof and retain hold and use the same for the purposes of their undertaking.

(2) The Company may also on and under the lands hereinafter mentioned make and maintain all such wells shafts boreholes adits and filters and all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the existing pumping station. The lands in this subsection referred to are the lands included within the "Limit of adits" marked on the deposited plans viz. the site of the Company's existing pumping station and the lands of the Company surrounding that site and known as Brooklands Farm which lands comprise the following enclosures viz. the enclosures in the borough numbered 7 9 and 12 on sheet LIV 13 of the Ordnance map (scale $\frac{1}{2500}$) edition of 1910 Sussex (East) the enclosures in the parish of Kingston near Lewes in the rural district of Newhaven numbered 79 81 82 86 87 87A 88 88A 89 91 92 and 93 on the sheets LIV 13 of the said Ordnance map (portions of the said enclosures numbered 79 81 and 82 being also shown on sheet LXVII 1 of the said Ordnance map) and the enclosures in the parish of Southover Without in the rural district

of Chailey numbered 1 2 and 4 on the sheet LIV 14 of the said Ordnance map (portions of the said enclosures numbered 1 and 2 being also shown on the said sheet LIV 13). A.D. 1928.

8. Subject to the provisions of this Act the Company may collect pump take impound use and appropriate for the purposes of the undertaking all such underground waters as will or may be intercepted by the works sanctioned and confirmed or authorised by the immediately preceding section of this Act. Power to take waters.

9. The Company shall not after the passing of this Act construct any works for taking or intercepting water from any lands 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 Company to abstract water.

10.—(1) Subject to the provisions of this Act the Company may in the lines situations and levels and on or under the lands delineated on the deposited plans and sections and described in the deposited book of reference make and maintain the works hereinafter described and may enter upon take and use such of the said lands as may be required for the purpose. The works before referred to will be situate in the borough and are— Power to make works.

- (i) An aqueduct (No. 1) (consisting of a line or lines of pipes) commencing in the existing pumping station and terminating in the existing reservoir of the Company on Race Hill known as the High Service reservoir;
- (ii) An aqueduct (No. 2) (consisting of a line or lines of pipes) commencing by a junction with the said aqueduct (No. 1) near the said High Service reservoir and terminating in the reservoir by this Act authorised;
- (iii) An aqueduct (No. 3) (consisting of a line or lines of pipes) commencing by a junction with the said aqueduct (No. 1) at or near the junction of St. Anns Crescent and Winterbourne Hollow and terminating in the existing reservoir of the Company known as the Middle Service reservoir;
- (iv) A reservoir to be situate on Race Hill in a west-north-westerly direction from the said High

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Service reservoir and at a distance of about three hundred and sixty yards from that reservoir;

and the construction by the Company of so much of the said works as has been constructed prior to the passing of this Act and the expenditure of money thereon are hereby sanctioned and confirmed.

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

Limits of
deviation.

11. In the construction of the new works the Company may deviate to any extent within the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of the aqueducts three feet upwards and to any extent downwards Provided as follows (that is to say):—

- (a) The Company shall not construct any embankment or wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition; and
- (b) no part of the aqueducts shall be raised above the surface of the ground except so far as is shown on the deposited sections.

Period for
completion
of new
works.

12. If the new works are not completed before the first day of January nineteen hundred and thirty-four then on the expiration of that period the powers by this Act granted to the Company for executing such works or in relation thereto respectively shall cease except as to so much thereof as is then completed Provided always that subject to the restrictions and provisions of this Act the

Company may at any time after the expiration of the said period alter enlarge and renew any of the new works as they may think expedient to provide for the requirements of the undertaking. A.D. 1928.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which 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. Persons under disability may grant easements &c.

14.—(1) The Company may in lieu of acquiring any lands for the purposes of the new works and works connected therewith authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts. Company may acquire easements only in certain cases.

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

(3) Provided always that nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

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Company
may ac-
quire
certain
easements
compul-
sorily.

15. Notwithstanding anything in this Act the Company may purchase and acquire an easement or right of constructing maintaining and using the new works and works connected therewith authorised by this Act in under or over any railway brook or watercourse without the Company being obliged or compellable to purchase any greater interest in under or over the same respectively.

Period for
compulsory
purchase of
lands and
easements.

16. The powers of the Company for the compulsory purchase of lands and easements for the purposes of this Act shall cease on the thirty-first day of October nineteen hundred and thirty-one.

Application
of Water-
works
Clauses
Act 1847.

17. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the aqueducts authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Company may erect or lay down for the purposes of their undertaking.

Retention
and dis-
posal of
lands.

18. Notwithstanding anything in this or any other Act or Acts to the contrary the Company may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or held by them under this Act or the Act of 1868 and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests 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.

As to
exercise of
powers of
section 12
of Water-
works
Clauses Act
1847.

19.—(1) The Company may on all or any of the lands for the time being held by them under the powers of the Act of 1868 or this Act execute for the purposes of or in connection with the water undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water). Provided that the Company shall

not create or permit the creation or continuance of any nuisance on any such lands (so long as the same are held by them) nor erect any buildings thereon except such buildings and works as may be incident to or in connection with the undertaking.

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(2) Nothing in this section shall limit the powers of the Company under subsection (2) of the section of this Act of which the marginal note is "Confirmation of existing pumping station."

20. The Company may purchase or take on lease houses cottages and other buildings for any of their employees and offices and other buildings for the purposes of the undertaking and may erect fit up maintain and let any such buildings upon any lands for the time being belonging or leased to the Company.

Dwelling-
houses for
employees
offices &c.

21. The Company may make and carry into effect agreements with the owners lessees and occupiers of any lands from through or under which any water may flow or percolate directly or derivatively into any well adit or other work by the Act of 1868 and this Act authorised or sanctioned and confirmed with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting and conveying and preserving the purity of the waters so flowing or percolating.

Power to
agree as to
drainage of
lands.

22.—(1) For the purpose of executing constructing laying down enlarging extending repairing cleansing emptying or examining any reservoir well aqueduct pipe or other work of the Company the Company may cause the water in any such work to be discharged into any available stream ditch or watercourse Provided that water so discharged shall be as free as may be reasonably practicable from mud or soil or offensive matter.

Discharge
of water
into
streams.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

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(3) The rate at which the Company may cause water to be discharged directly or indirectly into any available stream ditch or watercourse shall not (except in emergency) exceed such a rate as may be agreed between the Company and the local authority in whose district the stream ditch or watercourse is situate or as failing agreement may be determined by arbitration under and pursuant to the provisions of the Arbitration Act 1889 to be reasonable having regard to all the circumstances of the case :

Provided that the local authority shall for the purpose of this section be deemed to include (in addition to any other person) the county council in respect of any stream ditch or watercourse draining or adjacent to a main road under the control of the county council.

(4) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways or works of the Southern Railway Company nor shall the Company cause water to be discharged into any ditch or watercourse constructed for the purpose of draining such railways and works.

For pro-
tection of
Postmaster-
General.

23. Any electrical or telephonic or telegraphic works or apparatus made or maintained erected or laid down under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall be so made maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of such line.

For pro-
tection of
East Sussex
County
Council.

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

(1) All mains pipes and works of the Company (other than replacements) hereafter laid in or along any main road or in upon or across any county or main road bridge or the roadway over the same or the approaches thereto shall be laid in such position in or at the side thereof and at such depth as the Council in writing under the hand of their surveyor may reasonably direct :

- (2) The notice required by section 30 of the Waterworks Clauses Act 1847 shall (except for laying connecting or repairing consumers' service pipes as to which three days' notice shall be given and except in emergency arising from defects in any of the pipes or other works) be not less than in the case of any such bridge or approaches one month instead of three days and in all other cases seven days instead of three days : A.D. 1928.
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- (3) The plan required by section 31 of the last-mentioned Act shall (except as aforesaid) be delivered to the council or their surveyor by the Company not less than in the case of any such bridge or approaches one month and in all other cases seven days before the Company commence to open or break up any main road or interfere with any county or main road bridge or roadway over the same or approaches thereto or other property of the council for the purpose of executing the works :
- (4) If the Company in the execution of any works in or affecting any such main road or bridge or approaches shall cause any damage injury or disturbance to such main road or bridge or approaches and shall have failed to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the council after reasonable notice to the Company of the alleged failure and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the council all costs charges and expenses which the council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence :
- (5) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor of the council which consent shall not be unreasonably withheld and may be given upon such conditions (other than a money payment) as the council or such surveyor may reasonably determine :

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- (6) Nothing in this Act shall interfere with any right of the council to alter the level of or deviate or improve any main road in or along which any mains pipes or works of the Company shall have been laid and the Company shall with all reasonable speed after receiving notice in writing under the hand of the clerk or surveyor to the council so to do alter the position of any such mains pipes or works in such manner and to such extent as may be agreed or determined by arbitration and the council shall repay to the Company all expenses reasonably incurred by the Company in complying with the provisions of this section and shall during the alteration deviation or improvement of any such main road as aforesaid afford all reasonable facilities to enable the Company to carry temporarily their mains pipes and works along the road so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes :
- (7) Nothing in this Act shall prejudice or affect the right of the council at any time to remove alter rebuild widen or repair any county or main road bridge or the roadway over the same or any approaches thereto in over or near or to which any mains pipes or works of the Company are laid or attached in the same manner as they might have removed altered rebuilt widened or repaired such bridge or the roadway over the same or the approaches thereto if this Act had not passed and such mains pipes or works had not been laid in over or near or attached to such bridge and if any such bridge or the roadway over the same or the approaches thereto in over or near or to which any such mains pipes or works are laid or attached be removed altered rebuilt widened or repaired as aforesaid the Company shall (if and so far as it may be reasonably necessary for the purpose of such removal alteration rebuilding widening or repairing) at their own cost in the case of mains pipes and works laid or attached after the passing of this Act and at the expense of the

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council in the case of mains pipes and works laid or attached before the passing of this Act alter the position of any such mains or pipes or the works by which the same are laid or attached as aforesaid. Provided that during the removal alteration rebuilding widening or repairing of such bridge or roadway over the same or approaches as aforesaid the council shall afford all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes. Provided also that if any such removal alteration rebuilding widening or repairing be required for the accommodation of any light railway or tramway belonging to the council or of any other service or undertaking of or carried on by the council they shall repay to the Company all expenses which the Company reasonably incur under this subsection:

- (8) All works of the Company executed after the passing of this Act shall be so executed as not to stop the traffic and (so far as reasonably practicable) not to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto:
- (9) The council shall not be liable for or in respect of any damage or injury done to any work of the Company constructed or laid after the passing of this Act by reason of such work being laid at a depth below the surface of any main road or the roadway over a county or main road bridge or the approaches thereto insufficient for its protection from injury arising from the reasonable use by the council of any steam or other roller not exceeding fifteen tons in weight for the repair of such road or of any traction engine not exceeding the weight aforesaid:
- (10) Any difference which may arise between the council and the Company under this section and any matter by this section required to be referred to arbitration shall be referred to an

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arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference:

- (11) Nothing in this Act or done hereunder shall prejudice or affect the rights and powers of the council or the duties and obligations of the Company in relation to the council under an agreement dated the thirty-first day of December nineteen hundred and twenty-seven and made between the council of the one part and the Company of the other part being an agreement as to the laying of a water main in the main road from Lewes to Newhaven.

For protection of
Southern
Railway
Company.

25. For the protection of the Southern Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the railway company and the Company have effect (that is to say):—

- (1) Notwithstanding anything in this Act or shown on the deposited plans and sections the Company shall not without the previous consent in writing of the railway company enter upon take use or in any way alter or interfere with either temporarily or permanently any lands or property of the railway company but the Company may purchase and take and the railway company shall if so required by the Company sell and grant accordingly an easement or right of constructing the aqueduct (No. 1) and works connected therewith by this Act authorised through the existing culvert of the railway company and under the adjoining lands and property of the railway company and of maintaining repairing renewing and obtaining access to such aqueduct The amount to be paid for the acquisition of such easement or right shall be settled in case of difference in the manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement and the easement or right so to be

taken shall be deemed to be land within the meaning of those Acts: A.D. 1928.

- (2) In constructing laying down or altering or removing and also (except in case of emergency) in effecting repairs and renewals of any of the authorised works (as hereinafter defined) upon over across under or in any way affecting the railways of the railway company (as hereinafter defined) the Company shall execute such works in accordance with plans and sections previously submitted to and approved in writing by the engineer (as hereinafter defined) or if his approval is unreasonably withheld by an arbitrator to be appointed as hereinafter provided Such works shall be executed with all reasonable dispatch and under the superintendence (if given) and to the reasonable satisfaction of the engineer Provided that if the engineer does not express his approval or disapproval of the said plans and sections within twenty-one days after their submission to him he shall be deemed to have approved thereof:
- (3) The Company shall restore and make good to the reasonable satisfaction of the engineer the roads on any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company under the powers of this Act and all the works matters and things aforesaid shall be constructed executed and done so as to cause as little injury as may be to the railways of the railway company and so as not to cause any interruption of the passage or conduct of traffic on the railways of the railway company:
- (4) If the railway company so elect they may themselves in the case of a level crossing execute such works (other than the actual laying down and maintenance of the pipes) and may recover the reasonable costs of so doing from the Company:
- (5) The Company shall if required so to do by the engineer provide and maintain such stopcocks

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as may be reasonably necessary on any mains or pipes to be laid by the Company under the powers of this Act upon over across or under or in any way affecting the railways of the railway company:

- (6) The Company shall bear and on demand pay to the railway company the reasonable expenses of the superintendence by the engineer of the authorised works so far as they affect the railways of the railway company when the same are carried out by the Company and all reasonable costs of watching lighting and protecting the railways of the railway company during the carrying out of the said works and the superintendence of the engineer (if given) shall not relieve the Company from any liability which would otherwise attach to them for any accident which might be occasioned by the acts or defaults of their contractors agents or workmen in the execution of the said works:
- (7) If any such injury or interruption of traffic as aforesaid shall arise from or be in any way owing to any of the acts or operations of the Company in connection with the matters or things aforesaid or the failure of any such mains pipes or works the Company shall make compensation in respect thereof to the railway company:
- (8) The Company shall from time to time pay to the railway company any additional expenses which the railway company may reasonably incur in effecting any repair renewal widening alteration or extension of the railways of the railway company in pursuance of any powers existing at the date of this Act by reason of the existence of any of the authorised works upon over across or under the railways of the railway company:
- (9) Except as in subsection (1) of this section otherwise provided with regard to the settlement of the amount to be paid for the acquisition of the easement or right therein referred to any difference which may arise between the Company and the railway company under the provisions of this section shall be referred to and determined

by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration:

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- (10). In this section the expression "the authorised works" means the new works and works connected therewith by this Act authorised and any mains pipes or other works constructed by the Company within the existing limits under the powers of this Act or within the new limits under the powers of the Act of 1868 or this Act the expression "the railways of the railway company" includes any bridges roads and works of the railway company and the expression "the engineer" means the chief engineer of the railway company.

26. The provisions of the section of this Act whereof the marginal note is "For protection of East Sussex County Council" shall so far as applicable and with any necessary modifications extend and apply to and enure for the benefit and protection of the Lewes Corporation and the rural district councils of Chailey and Newhaven in relation to any road street bridge or other highway for the time being maintainable by those local authorities as if the expression "the council" in the said section included the said corporation and district councils.

For pro-
tection of
local
authorities.

27. For the protection of the Commissioners of Sewers of the Lewes and Laughton Levels (in this section referred to as "the commissioners") the following provisions shall have effect except so far as may be from time to time otherwise agreed between the commissioners and the Company:—

For pro-
tection of
Commis-
sioners of
Sewers of
Lewes and
Laughton
Levels.

- (1) All pipes conduits and works laid or executed in the new limits (whether under the powers of this Act or the Act of 1868) in under or through the sewers banks ditches or works belonging to or under the jurisdiction of the commissioners (in this section referred to as "the property of the commissioners") shall be laid or executed to the reasonable satisfaction of the commissioners and so as not to diminish or impede the free

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flow and access of water in or through the property of the commissioners or to affect prejudicially the drainage of the land within the area of the commissioners' jurisdiction or allow salt water to penetrate into the fresh water ditches:

- (2) No such pipes conduits or works shall be laid or executed until notice in writing shall be given to the commissioners and the mode of laying the pipes or conduits or executing the works shall have been submitted to and approved by the commissioners or (if their approval is unreasonably withheld) by an arbitrator to be appointed as hereinafter mentioned. Provided that if the commissioners do not express their approval or disapproval of the proposed mode of laying any such pipes or conduits or executing any such works within twenty-one days after the submission of the mode to the commissioners they shall be deemed to have approved thereof:
- (3) All pipes conduits and works laid or executed in the new limits in under or through the property of the commissioners shall be maintained by the Company in good repair and condition and so as not to cause any injury to the property of the commissioners and the Company shall as soon as practicable after receiving notice of any defect in such pipes conduits or works make good the defect and in default the commissioners may carry out the necessary works to make good the defect and may recover the reasonable expense thereof from the Company as a debt due by the Company to the commissioners:
- (4) Any dispute between the Company and the commissioners under this section and any matter required by this section to be referred to arbitration shall be referred to and settled by an engineer to be agreed upon between the Company and the commissioners or failing agreement to be appointed by the President of the Institution of Civil Engineers and any such arbitration shall be subject to the provisions of the Arbitration Act 1889.

28. For the protection of the Trustees of the Newhaven Harbour and Ouse Lower Navigation (in this section referred to as "the trustees") the following provisions shall unless otherwise agreed between the trustees and the Company have effect (namely):—

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—
For protection of
Trustees of
Newhaven
Harbour
and Ouse
Lower
Navigation

(1) All pipes conduits and works laid or executed in the new limits (whether under the powers of this Act or the Act of 1868) in under along or through the walls banks towing paths and other works belonging to or under the jurisdiction of the trustees (hereinafter referred to as "the property of the trustees") shall be laid or executed to the reasonable satisfaction of the trustees and so as not to diminish or impede the free flow of water in the river Ouse or to obstruct the navigation of the river:

(2) No such pipes conduits or works as aforesaid shall be laid or executed until notice in writing shall be given to the trustees and the mode of laying the pipes or conduits or executing the works shall have been submitted to and approved by the trustees or (if their approval is unreasonably withheld) by an arbitrator to be appointed as hereinafter mentioned. Provided that if the trustees do not express their approval or disapproval of the proposed mode of laying any such pipes or conduits or executing any such works within twenty-one days after the submission of the mode to the trustees they shall be deemed to have approved thereof:

(3) All pipes conduits and works laid or executed within the new limits in under along or through the property of the trustees shall be maintained by the Company in good repair and condition and so as not to cause any injury to the property of the trustees and the Company shall as soon as practicable after receiving notice of any defect in any such pipe conduit or work make good the defect and in default the trustees may carry out the necessary works to make good the defect and recover the reasonable expenses thereof from the Company as a debt due by the Company to the trustees:

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(4) Any difference between the Company and the trustees under this section and any matter required by this section to be referred to arbitration shall be referred to and determined by an engineer to be agreed between the Company and the trustees or failing agreement to be appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to the reference.

Works
below high-
water mark
not to be
constructed
without
consent of
Board of
Trade.

29. The Company shall not under the powers of this Act or the Act of 1868 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 Company 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 Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

SUPPLY OF WATER &C.

Mainten-
ance of
common
pipe.

30. 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 several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Company.

31.—(1) The Company shall not be bound to supply more than one house or part of a house occupied as a separate tenement 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 or part of a house occupied as a separate tenement supplied by them with water :

A.D. 1928.

—
Separate
communi-
cation pipes
may be
required.

Provided that this section shall not apply in the case of a communication pipe which at the passing of this Act is used for the supply of water to more than one house or part of a house unless and until such communication pipe becomes defective or requires renewal in which event the Company may require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement formerly supplied with water by means of that communication pipe.

(2) If the owner of any house or part of a house occupied as a separate tenement and supplied with water by the Company when so required in pursuance of the preceding subsection fails within a period of three months after the receipt of such requirement to provide a separate pipe from the main into such house or part of a house the Company may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from the owner.

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

As to com-
munication
pipes.

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

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Power to
Company
to repair
communi-
cation pipes.

33. If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Company for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company in like manner as the water rates in respect of the premises are recoverable. Provided that (except in emergency) the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and if the water rates in respect of the house or premises are payable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Company
to connect
communi-
cation pipes
with mains.

34. Notwithstanding anything in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipe therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

As to
pressure.

35. The Company shall provide a constant supply of water in accordance with the provisions of the Waterworks Clauses Act 1847 but they shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied.

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

A.D. 1928.

—
Byelaws
for pre-
venting
waste &c. of
water.

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

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and these sections shall for the purposes of this section be construed as if the Company were the local authority within the meaning of these sections and the secretary were the clerk of the local authority.

(4) The Company shall on or before the date on which notice of any such byelaws are first given in any local newspaper in pursuance of the said section 184 send a copy of the byelaws to the local authority for every borough or district in which the byelaws are intended to be in force.

(5) Any such byelaws in force for the time being shall be published by a copy thereof being kept at the office of the Company within the limits of supply which copy shall be open to the inspection of all persons at all reasonable times without payment and the Company shall also furnish a printed copy of all such byelaws to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(6) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice

A.D. 1928. — in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

Extension
of power to
inspect
premises.

37. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any officer of the Company may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Meters &c.
to measure
water or
detect
waste.

38. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Company and stop-cocks in the pipes supplying houses with water and may insert in the roads or footway the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily break up and interfere with public and private streets roads lanes footways courts passages tramways pipes wires and apparatus Provided that the Company shall not break up or interfere with any telegraphic line (as defined by the Telegraph Act 1878) of the Postmaster-General except in accordance with and subject to the provisions of the said Act Provided also that the Company shall not without the previous consent of the Southern Railway Company exercise the powers of this section in respect of any street road lane footway court passage pipe wire or apparatus belonging to or maintained by that Company.

Power to
lay pipes
in private
streets.

39. The Company may on the application of the owner or occupier of any premises within the limits of supply 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 Waterworks Clauses Act 1847 shall apply as if section 29 of that Act

were excepted from incorporation in the Act of 1868 and this Act : A.D. 1928.

Provided that a local authority shall for the purposes of this section be deemed to be (in addition to any other person) persons having the control or management of any street or road to which this section applies and which is situate within the area of that authority :

Provided also that the Company shall not exercise their powers under this section with respect to any street belonging to or maintained by the Southern Railway Company except with the consent of that Company nor shall the Company unreasonably obstruct or interfere with the convenient access to any such street.

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

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

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for 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

A.D. 1928. — be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *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.

Power to
supply
fittings.

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

(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 any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

RATES AND CHARGES.

Rates for
domestic
purposes.

43.—(1) As from the first usual quarter day after the completion of the aqueduct (No. 1) authorised by this Act or as from the twenty-fifth day of December nineteen hundred and twenty-eight whichever day shall be the later section 41 (Rates at which water is to be supplied for domestic purposes) and section 42 (Rates for waterclosets and baths) of the Act of 1868 and the schedule to that Act and the Lewes Waterworks Company (Modification of Charges) Order 1922 shall be by virtue of this

Act repealed and in lieu thereof the provisions of sub- A.D. 1928.
sections (2) (3) and (4) of this section shall have effect. —

(2) The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Act of 1868 or this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding twelve per centum on the rateable value of the house or part of a house supplied. Provided that the Company shall not be required to afford a supply of water for domestic purposes to any premises at a less rate than threepence per week.

(3) The rateable value of any such house or part of a house as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(4) In addition to the foregoing rates the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises supplied with water a sum not exceeding ten shillings per annum and in respect of every fixed bath capable of containing not more than fifty gallons and of every bath having an emptying aperture and capable of containing more than twenty gallons but not more than fifty gallons a sum not exceeding ten shillings per annum and in respect of every bath capable of containing more than fifty gallons such sum as the Company may think fit. Such additional sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

44.—(1) Where a house supplied with water is 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 Company so determine pay the rate for the supply but the rate may be recovered from the

Rates
payable by
owners of
small
houses.

A.D. 1928. 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.

(2) Nothing in this section shall limit or affect the operation of section 72 (Owners of houses not exceeding ten pounds rent to be liable to water rates) of the Waterworks Clauses Act 1847.

Charges for
hose-pipes
and refrigerating
apparatus.

45.—(1) Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first. Any sums chargeable under this subsection shall be paid quarterly in advance and be in addition to the rates for the time being authorised by or under the existing Acts or this Act for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(2) Where water supplied by the Company to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if they think fit require that all water so used by means of any such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

(3) Where a person who takes a supply of water from the Company for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Company may if they think fit

require that all water used for or in connection with the said apparatus shall— A.D. 1928.

- (i) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter; or
- (ii) be paid for on such other terms as may be agreed between such person and the Company :

Provided that if the person is only taking a supply of water from the Company for domestic purposes the minimum sum per quarter which may be demanded by the Company for the water used for or in connection with the refrigerating apparatus if taken by meter shall not exceed ten shillings.

46. The charge for water supplied for use in the erection of any building or part of a building shall not exceed seven shillings per one hundred pounds of the contract price for the building or if there is no such contract price of the estimated total cost of the building and reasonable allowance shall be made by the Company for decorative or timber iron or steel work not requiring the use of water. Price of supply for building purposes.

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

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by

A.D. 1928. — which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

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

Supply to
houses
partly used
for trade
&c.

48. The Company 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 hospital (whether public or private) asylum (whether public or private) sanatorium club hotel public-house restaurant or inn; or

(c) any boarding-house or public institution habitually occupied by at least twelve persons.

Supply to
public
offices.

49. The Company shall if and when so required by the owner of any public offices within the limits of supply afford to such owner a sufficient supply of water for use in such offices and such supply of water shall be provided at such rates in such quantities and on such terms and conditions as may be agreed between such owner on the one hand and the Company on the other hand or in case of disagreement as shall be determined by a single arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to the determination.

As to
supply to
farmhouses.

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

(2) If the owner or occupier of any farm premises within the limits of supply desires a supply of water for

farming purposes and lays the necessary communication pipe from such premises to a main of the Company the Company shall supply to such owner or occupier by meter such quantity of water as the owner or occupier may from time to time reasonably require for such farming purposes Provided that the Company shall not be required to supply water under this section at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply.

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51. The charge to be made by the Company for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons Provided that the Company shall be entitled to charge a minimum sum of one pound in any quarter of the year for water supplied by meter.

Price of
supply by
meter.

52.—(1) At any time during the period of three months before and three months after the coming into force within the limits of supply of any and every new valuation list under the Rating and Valuation Act 1925 the Company or the county council of East Sussex or any local authority having jurisdiction within the limits of supply may apply to the Minister of Health for a revision of the rates and charges for the supply of water authorised by the existing Acts and this Act or for the time being in force under any order of the said Minister made in pursuance of this section and if and whenever any such application is so made and the Minister is satisfied that the cost of labour and materials or other circumstance affecting the undertaking has substantially altered he may by order (subject to the provisions of subsection (3) hereof) vary either by way of increase or decrease such rates and charges or any of them.

Revision of
rates.

(2) The making of any new valuation list under Part II of the said Act of 1925 shall be deemed to be a circumstance affecting the undertaking of the Company within the meaning and for the purposes of this section.

(3) The rates and charges prescribed by any order made under this section shall be of such respective amounts as to provide (after paying all proper expenses of and in connection with the working of the undertaking

A.D. 1928. — and providing for any contribution which the Company may carry to any renewal fund formed under the provisions of this Act and to any reserved fund formed under the provisions of the Waterworks Clauses Act 1847 as modified by this Act and paying all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the share capital of the Company due regard being had to any capital which may be reasonably expected to be expended by the Company during the five years immediately following the date of such order.

FINANCIAL PROVISIONS.

Conversion
of capital.

53.—(1) On and from the appointed day the existing shares shall become and be by virtue of this Act converted into ordinary stock of one of the same class as follows:—

Each ten per centum share shall be converted into forty-one pounds thirteen shillings and fourpence ordinary stock; and

Each seven per centum share shall be converted into twenty-nine pounds three shillings and fourpence ordinary stock.

The stock into which the existing shares shall be so converted (hereinafter called “substituted stock”) shall be deemed to be fully paid up and (subject to the provisions of subsection (2) of this section) shall be by virtue of this Act vested in the holders at the appointed day of the existing shares for which the same are substituted.

(2) In every case where under the foregoing provisions of this section any holder of existing shares would be entitled to an amount of substituted stock which includes a fractional part of one pound such fractional part shall not (notwithstanding the said provisions) vest in such holder and the Company shall (subject to the provisions of this Act) pay to the holder a sum of cash equal to the nominal amount of the fractional part. Any fractional part of one pound of substituted stock in respect of which a sum of cash is paid under the provisions of this subsection shall be forthwith cancelled and shall cease to form part of the capital of the Company.

(3) The substituted stock which becomes vested in the holders of the existing shares under the foregoing

provisions of this section shall be registered in the respective names of those holders in the books of the Company as soon as practicable after the appointed day and shall rank for dividend as from that date. As from the same date the existing shares shall cease to bear any dividend.

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54.—(1) The several persons who immediately before the appointed day appear on the registers of the Company to be holders of existing shares or the respective executors or administrators of such persons shall for the purposes of this Act and subject to the provisions of the section of this Act of which the marginal note is “Transfers &c. of existing shares although by present name to be valid” be deemed to be the holders of existing shares of the number and class stated in the registers and on and after the appointed day the registers of transfers of the existing shares shall be permanently closed and (except as provided by the aforesaid section of this Act) no transfer of any existing shares made on or after the appointed day shall as between the Company and the party claiming thereunder be of any effect.

Company's
books to be
evidence as
to holders
of existing
shares.

(2) The issue by the Company of certificates for substituted stock and the payment of sums of cash for fractional parts of one pound of stock in accordance with the foregoing provisions of this Act to the persons whose names appear by the said registers to be registered holders of existing shares or to the respective executors or administrators of such persons or to the persons entitled thereto pursuant to the aforesaid section of this Act shall be sufficient discharge to the Company for all purposes.

55. All substituted stock vested in and all sums of cash (if any) paid by the Company to the holders of the existing shares pursuant to the foregoing provisions of this Act shall be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the existing shares for which the substituted stock and sums of cash (if any) are respectively substituted were held immediately before the appointed day and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing shares and trustees executors or administrators and all other holders

Substituted
stock and
cash to be
held on
same trusts
&c. as
existing
shares.

A.D. 1928. — in any representative or fiduciary capacity and persons under disability may and shall accept the substituted stock and sums of cash (if any) which under the foregoing provisions of this Act are vested in or paid to them respectively in substitution for the existing shares held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing shares.

Certificates
of existing
shares to
be called in
and others
issued.

56.—(1) The Company shall as soon as practicable after the appointed day call in the certificates of the existing shares and issue in exchange for those certificates to the respective holders thereof (free of charge) certificates of substituted stock of the respective amounts and pay to such holders the respective sums of cash (if any) to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate or to receive any such sum of cash until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate and sum of cash (if any) are to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require.

(2) Until the issue of such new certificates the holders of the existing certificates shall (according to the amounts of substituted stock to be issued by virtue of this Act in substitution or part substitution for the existing shares which such certificates respectively represent) have and possess the same rights and privileges as if the existing certificates were certificates for those respective amounts of substituted stock but if any holder of any existing shares fails to send or deliver to the Company his existing certificate or certificates for the period of six months after notice in writing sent by post to the address appearing in the shareholders address books the Company may suspend the payment of any dividend declared or made payable upon or in respect of the substituted stock so vested in him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate or certificates as the directors may require.

57. All transfers or other dispositions of any existing shares made but not registered prior to the issue to the holder of the shares of the certificate for substituted stock to which the holder is entitled under the foregoing provisions of this Act shall (notwithstanding this Act) be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of substituted stock and sums of cash (if any) which are substituted under the provisions of this Act for the existing shares thereby expressed to be transferred or disposed of although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before conversion under this Act and any bequest of or any covenant or provision of any deed or agreement relating to any specified number and class of existing shares shall be held to apply to an amount of substituted stock equal to that which is under the provisions of this Act substituted for such specified number and class of existing shares.

A.D. 1928.
Transfers
&c. of
existing
shares
although
by present
name to be
valid.

58. The Company may from time to time raise by the creation and issue of ordinary stock and preference stock or wholly or partially by one of those modes additional capital to such an amount as shall be sufficient to produce after taking into account premiums and discounts (if any) which may be obtained or allowed on the issue thereof the sum of ten thousand pounds.

Additional
capital.

59. The substituted stock and all ordinary stock forming part of the additional capital authorised by this Act shall for all purposes form one and the same class of stock.

All ordinary
stock to
form one
class.

60. The profits of the Company to be divided in respect of any year after the appointed day among the holders of ordinary stock and preference stock shall not exceed the following rates (namely) :—

Dividends.

On the preference stock issued under the Act of 1868 the rate of five per centum per annum ;

On any preference stock to be issued under the powers of this Act such rate (not exceeding the rate of six per centum per annum) as shall be specified in the resolution creating the stock ; and

On the ordinary stock (whether substituted stock or stock to be issued under the powers of this Act)

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the rate of six per centum per annum unless a larger dividend be at any time necessary to make up the deficiency on any previous dividend in respect of any year or half-year subsequent to the appointed day which shall have fallen short of the said rate of six per centum per annum.

New stock
to be sold
by auction
or tender.

61.—(1) All ordinary stock and preference stock created by the Company after the passing of this Act shall be issued in accordance with the provisions of this section.

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

- (a) Notice of the intended sale shall be given in writing to the town clerk of the borough and the clerk to the council of every urban and rural district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) No lot offered for sale shall comprise stock of greater nominal value than one hundred pounds;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary stock and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the directors may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of stock that if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively. A.D. 1928.

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

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the stock.

62.—(1) Subject to the provisions of this Act the Company may at any time and from time to time and without obtaining any certificate of a justice under the Companies Clauses Consolidation Act 1845 raise by borrowing on mortgage of the undertaking in respect of the existing shares and after the appointed day of the substituted stock into which under the foregoing provisions of this Act the existing shares shall on the appointed day become converted and in respect of the preference stock existing at the passing of this Act any sum or sums not exceeding in the aggregate the sum of eighteen thousand pounds. Power to borrow.

(2) The Company may also at any time and from time to time after the appointed day raise by borrowing on mortgage of the undertaking any sum or sums not exceeding in the whole one half of the amount which at the time of borrowing has been actually paid up (including

A.D. 1928.

premiums) on any ordinary stock and preference stock forming part of the additional capital authorised by this Act and for the time being issued but no sum shall be borrowed in respect of any capital so issued until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole amount payable on the issue of the stock with respect to which the borrowing powers are exercised and of the premium (if any) realised on the sale thereof have been fully paid up.

Debenture
stock.

63. The Company may after the appointed day create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Act of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Appoint-
ment of
receiver.

64. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Priority of
mortgages
over other
debts.

65. All money to be raised by the Company under the provisions of this Act on mortgage or by the issue of debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be

granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock. A.D. 1928.

66.—(1) If the Company desire to raise by the issue of preference stock any capital which they are by this Act authorised to raise or to issue any debenture stock under the powers of this Act they may create and issue such preference stock or debenture stock as redeemable stock on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose. Issue of redeemable preference capital and debenture stock.

(2) If it is so provided in the resolution the Company may—

- (i) call in and pay off such preference or debenture stock or any part thereof at any time before the date fixed for redemption;
- (ii) redeem such stock or any part thereof either by paying off such stock or by issuing to any stockholder subject to his consent other stock in substitution therefor.

(3) For the purpose of providing money for paying off such stock or providing other stock in substitution therefor the Company may create and issue new stock (redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid so however that the creation and issue for that purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

(4) The Company shall not redeem out of revenue any redeemable stock issued under the powers of this section. Provided that it shall be lawful for the Company to pay out of revenue any premium which under the terms of issue of any redeemable stock issued under this section may be payable on the redemption thereof.

(5) The provisions of the section of this Act of which the marginal note is "New stock to be sold by auction

A.D. 1928. — or tender” shall not apply to any stock created and issued in substitution for or for the purpose of paying off any redeemable stock issued under the powers of this section.

Provisions
as to sale
of stock
&c. and
payments
of com-
missions.

67.—(1) Notwithstanding anything in the section of this Act of which the marginal note is “New stock to be sold by auction or tender” the Company (with the approval of the Ministry of Health to be signified in writing under the hand of an assistant secretary of that Ministry) may—

- (a) when ordinary or preference stock of the Company is to be issued (and whether the then existing ordinary or preference stock is at a premium or not) before offering the stock so to be issued for sale by auction or tender offer the stock to the consumers of water supplied by the Company and persons in the employ of the Company at the then value thereof;
- (b) offer for subscription by the public free from the provisions of the said section of this Act (but subject to such conditions as the said Ministry may think fit to impose) any stock to be so created as aforesaid; and
- (c) on the offer for subscription by the public of any stock to be so issued as aforesaid or any debenture stock to be issued under the powers of this Act pay a commission not exceeding five per centum. Provided that the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company inviting subscriptions for such stock.

(2) For the purposes of paragraph (a) of subsection (1) of this section the value of any stock at the date of the offer thereof to any consumer or employee shall be deemed to be the average price at which according to the Company's books sales of stock of the same class were effected within the period of six months immediately preceding the date on which the value of the stock is required to be determined or if there has been only one sale or no sale of such stock during such period then the price at which the last sale of such stock was effected

making due allowance for any probable change in value since such date due to the accrual or payment of dividend or any other cause. A.D. 1928.
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(3) Nothing in this section shall affect any power of the Company to pay brokerage.

68.—(1) Any ordinary stock preference stock or debenture stock of the Company may be issued and be held in amounts of five pounds or of any integral number of pounds exceeding five and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which would make the holding of the transferor or transferee of stock of that class less than five pounds or other than an integral number of pounds. Minimum amounts of holdings and transfers of stock.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock to be issued by the Company after the passing of this Act.

(3) The provisions of this section shall not apply to any preference stock held at the passing of this Act in amounts of less than five pounds so long as the whole of such stock is held by the present holder thereof or his legal personal representative or by a transferee direct from the present holder or his legal personal representative.

69. If any money is payable by the Company to a stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

70. All moneys raised under this Act whether by ordinary preference or debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend. Application of moneys.

71. The amount which may be carried by the Company in any year to any reserved fund formed in pursuance As to reserved fund.

A.D. 1928. — of section 76 of the Waterworks Clauses Act 1847 shall not exceed one per centum upon the nominal capital for the time being of the Company.

Renewal
fund.

72.—(1) After the passing of this Act it shall not be lawful for the Company to maintain a contingency fund under section 122 of the Companies Clauses Consolidation Act 1845.

(2) The directors may if they think fit in any financial year ending after the thirtieth day of June nineteen hundred and twenty-nine appropriate out of the revenue of the undertaking as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the capital for the time being expended by the Company for the purposes of the undertaking to a fund to be called "the renewal fund."

(3) The renewal fund shall be applicable only to meet expenses in respect of the undertaking requisite for the maintenance and renewal of plant and works (other than expenses incurred in the replacement or removal of plant and works) and shall be so applied from time to time for the purpose of equalising so far as practicable the annual charge to revenue in respect of such expenses.

(4) The maximum amount standing to the credit of the renewal fund shall not at any time exceed an amount equal to one tenth part of the capital for the time being expended by the Company for the purposes of the undertaking.

Limitation
on carry
forward.

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

(a) The amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year;

(b) An amount equal to the total sum which the Company would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year; and

- (c) An amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages or debenture stock. A.D. 1928.
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ADMINISTRATIVE PROVISIONS.

74. If and so long as the ordinary meetings of the Company shall be held only once in each year the following provisions shall have effect:— Interim
dividends
and annual
accounts.

- (a) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting. Provided that the amount of any such interim half-yearly dividend shall not exceed one-half of the authorised yearly rate of dividend on the ordinary shares or stock or preference stock in respect of which such interim dividend is declared;

- (b) The Company and the directors shall not be required to make up a half-yearly balance sheet and accounts and the balance sheet and accounts made up by them in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

75.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the payment of any interim dividend and they may close the register of transfers of mortgages or debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper circulating in the county of Sussex. Closing of
transfer
books.

(2) Any transfer of ordinary shares or stock preference stock or debenture stock or mortgages made during the time when the register of transfers of such security is so closed shall as between the Company and the persons claiming under the transfer (but not otherwise)

A.D. 1928. — be considered as made subsequently to the payment of any such dividend or interest as the case may be.

As to
extra-
ordinary
meetings.

76. Section 31 (Convening extraordinary meetings Notice of meetings) of the Act of 1868 shall as from the appointed day have effect as if the word "stockholders" and the words "ordinary or preference stock of an aggregate nominal amount of one thousand pounds" were substituted therein for the word "shareholders" and the words "in the aggregate ten shares" respectively.

Voting
rights.

77.—(1) At all general meetings of the Company after the appointed day every holder of ordinary stock and (if the resolution creating the same confers voting rights) of preference stock shall have one vote in respect of each complete ten pounds in the nominal value of such stock held by him up to one hundred pounds and an additional vote for every complete fifty pounds beyond the first one hundred pounds in such nominal value up to one thousand pounds and an additional vote for every complete one hundred pounds in such nominal value beyond the first one thousand pounds.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any preference stock.

Appoint-
ment of
proxies.

78. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder and for that purpose may execute on behalf of the stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint
holders.

79. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock in the capital of the Company any one of those persons may vote at any meeting (at which holders of stock of the same class are entitled to vote) either personally or by proxy in respect of the stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name

stands first on the register in respect of the stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any stock stands shall for the purposes of this section be deemed joint holders thereof. A.D. 1928.

80. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary after the passing of this Act to authenticate the register of the stockholders of the Company by affixing the common seal of the Company to such register. As to share-holders' register.

81.—(1) The number of directors shall be five but the Company may vary the number between a maximum of eight and a minimum of three. Directors.

(2) On and after the appointed day the qualification of a director shall be the possession in his own right of ordinary and preference stock in the capital of the Company or of either such class of stock of a total nominal amount of not less than four hundred pounds.

(3) The quorum of a meeting of the directors shall be such number (not being less than two) as the directors may from time to time determine.

(4) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company seven days at least before the day of election.

(5) The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors of the Company holding office shall be less than the minimum number prescribed by this section the directors shall not except for the purpose of filling vacancies and transferring stock to any proposed director or directors act so long as the number is below such minimum.

(6) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any

A.D. 1928. — contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Auditors.

82.—(1) The Company shall annually appoint one person or two persons or a firm of accountants who shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Board of Trade to be the auditor or auditors of the Company.

(2) It shall not be necessary for any auditor to hold any shares or stock in the Company.

(3) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice be given in writing to the secretary or left at the principal office of the Company seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(4) If any auditor of the Company dies or resigns the directors may appoint another auditor in the place of the auditor so dying or resigning and any auditor so appointed shall hold office until the next ordinary meeting.

83. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary.

A.D. 1928.

Determination of remuneration of secretary.

84.—(1) The Company may grant such gratuities pensions or superannuation allowances or make such other payments as they may think fit to any employees of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee and they may establish and maintain a fund out of which such gratuities pensions allowances and payments may be granted or made.

Power to make superannuation and other allowances.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions allowances or payments as are by this section authorised to be granted or made and may for all or any of the purposes of this section apply the revenues of the Company.

85. The directors may subscribe or make donations to infirmaries hospitals and convalescent homes and other institutions and objects and to the benevolent and sick funds of the employees of the Company and may for any of those purposes apply the revenues of the Company.

Power to make donations subscriptions &c.

MISCELLANEOUS.

86.—(1) The Lewes Corporation and any rural district council whose district is wholly or partly within the limits of supply may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such corporation or council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within the borough or within any part of such district which is within the limits of supply.

Guarantees by district councils.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of

A.D. 1928. — any general Act relating to the powers of such corporation or council they may incur expenditure and the said corporation or any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section.

For protection of
George Earl
Baker and
Hamish
David
Whitelaw
Wilson.

87. For the protection of George Earl Baker and Hamish David Whitelaw Wilson or other the owners for the time being of the existing waterworks forming part of the estate in the parish of Kingston in the rural district of Newhaven known as "the Kingstonridge Estate" (all of whom are in this section referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Company apply and have effect (that is to say):—

- (1) Notwithstanding anything in this Act, the Company shall not supply water for consumption or use on the Kingstonridge Estate (which estate is edged red on the plan signed in triplicate by the Right Honourable the Earl of Donoughmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and of which plan one copy has been deposited in the Parliament Office and another copy in the Committee and Private Bill Office of the House of Commons and the third copy has been retained by the Company) if and so long as the said owners are able and willing on reasonable notice to supply water proper and sufficient for the domestic use and other reasonable requirements of the occupiers of premises on the said estate who shall require a supply and be willing to pay a reasonable price for the supply:
- (2) Any dispute which shall arise between the Company and the owners under this section shall be referred to, and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Contracts
for supply-
ing water
in bulk,

88. The Company may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply to any authority company or persons respectively

in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the 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 all purposes within the limits of supply. Provided also that nothing in this section shall authorise the Company to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

A.D. 1928.
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89. The Company may enter into and carry into effect agreements with any company or person supplying water under parliamentary authority for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Company for the purpose of the undertaking.

Purchase of
water in
bulk.

90. Any notice to be served by the Company on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of such other officer as aforesaid being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Authentica-
tion and
service of
notices by
Company.

91. Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to

Penalty for
closing
valves and
apparatus.

A.D. 1928. the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

Penalty for
opening
valves &c.

92. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Judges not
disqualified.

93. A judge of any court or a justice shall not be disqualified from acting in the execution of the Act of 1868 or this Act by reason of his being liable to any rate or charge for the supply of water.

Contents of
summons
&c.

94. Where the payment of more than one sum by any person is due under the Act of 1868 or this Act or any other Act relating to the Company any summons or warrant issued for the purposes of such Acts or any of them in respect of that person may contain in the body thereof all the sums payable by him.

Recovery of
penalties
&c.

95. Save as otherwise by the Act of 1868 or this Act expressly provided all offences against the Act of 1868 or this Act and all penalties forfeitures costs and expenses imposed or recoverable under the Act of 1868 or this Act or any byelaws 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.

Recovery of
demands.

96. Proceedings for the recovery of any demand made under the authority of the Act of 1868 or 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. A.D. 1928.

97.—(1) If the Lewes Corporation shall introduce in the next session of Parliament a Bill for an Act to empower them to purchase the undertaking of the Company and shall bona fide promote the same the Company shall not oppose such Bill except in so far as they may deem it necessary to do so in order to secure the insertion therein of provisions for the protection of their interests in accordance with the provisions of this section and of the schedule to this Act. As to purchase of undertaking by Lewes Corporation.

(2) The Company shall not except with the consent of the corporation dispose of any part of the undertaking of the Company before the twentieth day of November nineteen hundred and twenty-eight or during the promotion of the said Bill.

(3) The said Bill shall contain the provisions set out in the schedule to this Act or provisions to the like effect.

(4) (a) Except with the consent of the corporation (which consent shall not be unreasonably withheld) the Company shall not previous to the twentieth day of November nineteen hundred and twenty-eight raise any of the additional capital authorised by this Act or borrow any money or spend any money on purposes for which capital is properly applicable and if the Lewes Corporation shall give notice of such Bill in October or November nineteen hundred and twenty-eight the Company shall not except with such consent as aforesaid raise any of such additional capital or borrow any money or spend any money on the said purposes during the promotion of such Bill but nothing in this subsection shall prevent the Company from carrying on and maintaining (and the Company shall carry on and maintain) the undertaking of the Company in the ordinary course of business or from raising or borrowing any moneys necessary to pay any costs charges and expenses referred to in the final section of this Act and any costs charges and expenses of the Company of and incidental to the transfer of the undertaking of the Company to the Lewes Corporation.

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(b) If any question arises as to whether the consent of the corporation under this subsection is unreasonably withheld the same shall be determined by the Minister of Health.

(5) In this section and in the schedule to this Act the expression "the undertaking of the Company" includes—

- (a) All the lands buildings waterworks machinery mains pipes plant and apparatus contracts plans specifications engineering reports and other documents stores and other property of the Company on the twenty-fifth day of December nineteen hundred and twenty-nine (in this section called "the day of transfer");
- (b) All bank balances and cash and other balances (including consumers' deposits) in the hands of the Company or in the hands of their bankers agents or servants on the day of transfer and securities for money;
- (c) All rates rents book debts and other sums of money which at the date of transfer are due or payable to or have accrued due to the Company;
- (d) All rights powers and privileges vested in or had and enjoyed by the Company at the day of transfer;
- (e) All debts and liabilities of the Company as existing on the day of transfer;

but does not include the directors' minute books and other books and papers relating exclusively to the shareholders stockholders and members of the Company all of which shall be retained by the Company but shall at the request of the Lewes Corporation be produced to any duly authorised officer or member of the Lewes Corporation:

Provided that the Company shall be entitled to declare and pay (in so far as not already declared and paid and to the extent to which any profits and funds forming part of the undertaking of the Company and properly applicable for the purpose will permit them so to do) dividends on the existing shares and their preference stock at the authorised rates up to the day

of transfer and to the extent necessary for such purpose . A.D. 1928.
may retain any such profits and funds as aforesaid. —

(6) Three members of the town council of the borough of Lewes to be appointed for the purpose by the town council shall be entitled to attend all board meetings of the Company to be held between the passing of this Act and the day of transfer if the conduct of the undertaking of the Company is to be discussed. The Company shall give to the town clerk of Lewes reasonable notice of all such meetings and the town clerk shall send to the Company the names of the town councillors appointed to attend such meetings forthwith after their appointment.

(7) If the Lewes Corporation fail to give notice of such Bill as aforesaid in October or November nineteen hundred and twenty-eight or fail to deposit such Bill in Parliament in December nineteen hundred and twenty-eight in accordance with the Standing Orders of Parliament or if such Bill fails to receive the approval of the corporation and of the electors of the borough in compliance with the Borough Funds Acts 1872 and 1903 or if such Bill is at any time withdrawn or rejected by either House of Parliament then on any such failure withdrawal or rejection occurring the provisions of this section and of the schedule to this Act shall cease to have effect and if for any other cause the said Bill shall not have received Royal Assent before the twenty-fifth day of December nineteen hundred and twenty-nine the said provisions shall as from that day cease to have effect.

98. Nothing in this Act or the Act of 1868 affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any 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, Crown rights.

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Repeal.

99.—(1) The following sections of the Act of 1868 are hereby repealed as from the passing of this Act :—

Section 27 (Arrears may be enforced by appointment of a receiver);

Section 32 (Periods for balancing and inspecting books &c.);

Section 33 (Certain officers to be appointed at meetings);

Section 34 (Provision as to publication of particulars of offences);

Section 35 (Number of directors);

Section 36 (Quorum);

Section 39 (Constant pressure &c.);

Section 40 (Bore of service pipe);

Section 43 (For preventing fouling water);

Section 47 (Power to remove pipes and fittings);

Section 48 (Company's officers to enter buildings);

Section 49 (Incoming tenant not liable for arrears);

Section 50 (Recovery of sums due);

Section 51 (Liability to water rent not to disqualify justices &c.);

Section 52 (Contents of summons &c.);

Section 53 (Costs of distress);

Section 55 (Steam engines to consume their own smoke);

Section 56 (Company not to erect dwelling-houses on certain property).

(2) Section 24 (Limit of dividends on new capital) of the Act of 1868 is hereby repealed as from the appointed day.

Costs of
Act.

100. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue to the extent of not exceeding one-third part of such charges and expenses in any one year.

The SCHEDULE referred to in the
foregoing Act.

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PROVISIONS REFERRED TO IN THE SECTION OF THE FORE-
GOING ACT OF WHICH THE MARGINAL NOTE IS "AS
TO PURCHASE OF UNDERTAKING BY LEWES COR-
PORATION."

(1) The price or consideration to be paid by the Lewes Corporation in respect of the purchase of the undertaking of the Company shall be the sum of forty-three thousand six hundred pounds and the purchase of the said undertaking shall take effect as from the twenty-fifth day of December nineteen hundred and twenty-nine (hereinafter called "the day of transfer").

(2) Subject to the provisions of clause (3) hereof the said price or consideration shall be satisfied and discharged by the issue on or as from the day of transfer by the Corporation to the Company or to the holders of shares and stock in the capital of the Company of forty-three thousand six hundred pounds (nominal amount) five per centum Lewes Corporation Stock such last-mentioned stock to be issued in registered or bearer certificates with a denomination of one hundred pounds or fifty pounds or if the total of the fractional parts referred to in clause (3) hereof exceeds a sum of one thousand pounds then of twenty-five pounds.

(3) The said amount of forty-three thousand six hundred pounds Lewes Corporation Stock shall be apportioned among the holders of shares and stock in the capital of the Company as follows :—

Twenty-three thousand pounds Lewes Corporation Stock to the holders of the four hundred and sixty ten per centum ordinary shares of the Company of twenty-five pounds each in proportion to their respective holdings :

Eighteen thousand two hundred pounds Lewes Corporation Stock to the holders of the five hundred and twenty seven per centum ordinary shares of the Company of twenty-five pounds each in proportion to their respective holdings :

Two thousand four hundred pounds Lewes Corporation Stock to the holders of the two thousand four hundred pounds preference stock of the Company in proportion to their respective holdings :

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Provided that in every case where under the provisions of this clause a holder of shares or stock of the Company would be entitled to a fractional part of any such bearer certificates of one hundred pounds or fifty pounds or twenty-five pounds (as the case may be) the Corporation in lieu of issuing such fractional part shall on the day of transfer pay to the Company for transmission to such stockholder a sum in cash equal to the nominal value of such fractional part.

(4) All stock issued by the Lewes Corporation as aforesaid shall carry interest as from the day of transfer and shall be redeemable at its nominal value on the expiration of thirty years from the day of transfer. Provided that the stock may be previously redeemed at its nominal value by the Lewes Corporation by means of annual drawings of not exceeding one thousand pounds of such stock per annum or by purchase by agreement at a price not exceeding the nominal value thereof.

(5) The Lewes Corporation shall pay to the Company by way of compensation for loss of office sustained by the persons who were directors of the Company on the first day of April nineteen hundred and twenty-eight and who shall be in office on the day of transfer the sum of two thousand seven hundred and fifty pounds the payment of which sum may if the Lewes Corporation so determine be satisfied by the issue to the Company of five per centum Lewes Corporation Stock in registered or bearer certificates with a denomination of one hundred pounds fifty pounds or twenty-five pounds and having a total nominal value of two thousand seven hundred and fifty pounds. The said sum of two thousand seven hundred and fifty pounds or the stock issued in satisfaction therefor shall be divided among the persons who were directors of the Company on the said first day of April nineteen hundred and twenty-eight in such manner as those directors may before the date of the passing of this Act have decided and the Company shall within fourteen days after that date inform the Corporation of their decision. Provided that if any such person dies or ceases to be a director before the passing of this Act the sum payable by the Corporation under this provision shall be reduced by the amount allocated to such person under such division.

(6) As from the day of transfer all obligations of the Company with reference to the supply of water shall cease and determine.

(7) The Lewes Corporation shall on the day of transfer take into their employment all officers and employees in the service of the Company on the first day of March nineteen hundred and twenty-eight who are still in office on the day of transfer upon the same terms mutatis mutandis as those persons held office under the Company on the said first day of March.

(8) The Lewes Corporation shall bear and pay the reasonable costs of winding up the Company so far as the Company is not wound up and dissolved by any Bill promoted by the Lewes Corporation in the Session of 1929 in accordance with the provisions of the foregoing Act and the Lewes Corporation shall also pay to the Company any costs reasonably incurred by them in connection with such Bill and in respect of the carrying out of the provisions of this schedule.

A.D. 1928.
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