



CHAPTER lxiii.

An Act to provide for the transfer of the under-
taking and powers of the Lewes Water Company
to the mayor aldermen and burgesses of the
borough of Lewes to authorise the said mayor
aldermen and burgesses to supply water in and
in the neighbourhood of their borough and for
other purposes. A.D. 1929.
[10th May 1929.]

WHEREAS the borough of Lewes (in this Act called
“ the borough ”) in the administrative county
of East Sussex is under the management and local
government of the mayor aldermen and burgesses thereof
(in this Act called “ the Corporation ”) :

And whereas by the Lewes Waterworks Act 1868 the
Company of Proprietors of the Lewes Waterworks (who
were originally incorporated by the Local Act 3 & 4
William IV chapter 104 which Act was repealed by the
said Act of 1868) were re-incorporated and were authorised
to maintain waterworks and to supply water within the
borough of Lewes and certain places in the neighbour-
hood thereof :

And whereas by the Lewes Water Act 1928 the name
of the said company was changed to the Lewes Water
Company (in this Act called “ the company ”) and
the limits of supply of the company were extended and
further powers in connection with their water undertaking
were conferred upon the company :

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And whereas by section 97 of the said Act of 1928 it was provided (inter alia) that if the Corporation should introduce into the then next session of Parliament a Bill for an Act to empower them to purchase the undertaking of the company and should bona fide promote the same the company should not oppose such Bill except in so far as they might deem necessary in order to secure the insertion therein of provisions for the protection of their interests in accordance with the provisions of the said section 97 of and the schedule to the said Act of 1928 :

And whereas by the said Act of 1928 the company were authorised to construct certain waterworks which have been in part constructed but are not yet completed :

And whereas it is expedient to empower the Corporation to purchase the undertaking of the company in accordance with the provisions hereinbefore recited and to make provision for carrying such purchase into effect and for enabling the Corporation to complete the construction of the works which the company were authorised to construct by the said Act of 1928 and to carry on the undertaking of the company as provided by this Act :

And whereas it is expedient to make further provision with regard to the finances of the Corporation and the application of revenue derived from their undertakings :

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

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

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

The construction and completion of the works authorised by the provisions set forth in the First Schedule to this Act	£ 6,500
The extension of the pumping station and new pumping machinery	8,000
New mains replacements and extensions of mains and other waterworks purposes	6,000
Working capital for the water undertaking	5,000

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undertakers when the waterworks are carried on for their benefit); and

(iii) Section 83 (with respect to the yearly receipt and expenditure of the undertakers);

(c) The Waterworks Clauses Act 1863.

Interpreta-
tion.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 or referred to therein have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

“ The borough ” means the borough of Lewes ;

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

“ The council ” means the council of the borough ;

“ The mayor ” “ the town clerk ” and “ the treasurer ” mean respectively the mayor the town clerk and the treasurer of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices ;

“ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough ;

“ The company ” means the Lewes Water Company ;

“ The day of transfer ” means the twenty-fifth day of December nineteen hundred and twenty-nine ;

“ 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 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

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years : A.D. 1929.

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

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Lewes Corporation Act 1929. Short title.

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

- Part I.—Preliminary.
- Part II.—Transfer of undertaking.
- Part III.—Waterworks and lands.
- Part IV.—Supply of water.
- Part V.—Financial and miscellaneous.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act (namely) :— Incorporation of general Acts.

(a) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the taking of lands otherwise than by agreement) ;

(b) The Waterworks Clauses Act 1847 except—

(i) The words “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” in section 44 ;

(ii) Sections 75 to 82 (with respect to the amount of profit to be received by the

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authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“The Act of 1868” and “the Act of 1928” mean respectively the Lewes Waterworks Act 1868 and the Lewes Water Act 1928.

Commence-
ment of
Parts III
and IV of
Act.

5. The Corporation shall not exercise the powers conferred upon them by Part III (Waterworks and lands) and Part IV (Supply of water) of this Act until the day of transfer.

PART II.

TRANSFER OF UNDERTAKING.

Sale and
purchase of
undertaking
of company.

6.—(1) The company shall sell and the Corporation shall purchase as a going concern on the day of transfer the undertaking of the company and the purchase of the said undertaking shall take effect as from the day of transfer.

(2) The price or consideration to be paid by the 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 assumption by the Corporation of any obligations of the company under the Acts of Parliament relating to the company.

(3) (a) Subject to the provisions of this section the said price or consideration shall be satisfied and discharged by the delivery on or as from the day of transfer by the

their bankers agents or servants on the day of transfer and securities for money; A.D. 1929.

(c) All rates rents book-debts and other sums of money which on the day 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;

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

“ The Minister ” means the Minister of Health;

“ The water limits ” means the limits within which the Corporation are for the time being authorised to supply water;

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

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

“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed

Corporation to the company of forty-three thousand six hundred pounds (nominal amount) five per centum stock of the Corporation such last-mentioned stock to be issued in registered certificates with a denomination of one hundred pounds or fifty pounds or (if the total of the fractional parts referred to in subsection (4) of this section exceeds a sum of one thousand pounds) of twenty-five pounds.

(b) The company shall on the twenty-fifth day of November nineteen hundred and twenty-nine deliver to the Corporation a complete list of the ordinary shareholders and preference stockholders in the capital of the company on that date with their addresses and descriptions and of the holdings of such shareholders and stockholders on that date and the registered certificates referred to in paragraph (a) of this subsection shall be made out by the Corporation in the names of the shareholders and stockholders shown upon such list in respect of the several amounts of stock of the Corporation to which they are respectively entitled under subsection (4) of this section.

(c) The register of transfers of the company shall be closed from the twenty-third day of November nineteen hundred and twenty-nine until the day of transfer.

(4) Subject to the provisions of this section the said amount of forty-three thousand six hundred pounds stock of the Corporation shall be apportioned among persons who are the holders of shares and stock in the capital of the company on the twenty-fifth day of November nineteen hundred and twenty-nine as follows :—

Twenty-three thousand pounds 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 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 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 subsection a holder of shares or stock of the company would be entitled to a fractional part of any such registered 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 :

Provided also that if any person shall agree with the Corporation to pay to them a sum of money not exceeding the total of the sums in cash payable by the Corporation in respect of all such fractional parts (if any) but equal to the nominal value of one or more of such registered certificates the Corporation may issue a registered certificate or registered certificates of stock of the Corporation to such person of the nominal value of the amount so paid.

(5) (a) The stock of the Corporation issued under this Act shall be held in multiples of one hundred pounds fifty pounds or twenty-five pounds (as the case may be) and the Corporation shall not be required to register a transfer of any fractional part of any registered certificate of Corporation stock issued by them under this Act.

(b) Separate numbered certificates shall be issued for each sum of one hundred pounds fifty pounds or twenty-five pounds (as the case may be) of such stock.

(6) (a) All stock issued by the Corporation as aforesaid shall carry dividend as from the day of transfer and shall be redeemable and be redeemed at its nominal value on the first day of January nineteen hundred and seventy-seven. Provided that the stock may be previously redeemed at its nominal value by the Corporation by means of annual drawings of not exceeding one thousand pounds of such stock per annum and may also be previously redeemed by the Corporation by purchase by agreement at a price not exceeding the nominal value thereof.

(b) The annual drawings shall take place by ballot on or before the first day of October nineteen hundred and thirty and on or before each succeeding first day of October under such conditions as the Corporation may determine and on or before each such first day of October the Corporation shall give notice in writing to any holder

of stock of the Corporation (the whole or any part of whose holding of stock is to be redeemed as a result of any such drawing) of the fact that the whole or part of such holding is to be redeemed and the amount payable to any such stockholder shall be paid to him by the Corporation on or before the thirty-first day of December next following the day of such drawing.

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(c) As from the said thirty-first day of December any stock of the Corporation so redeemed shall cease to bear dividend and shall be extinguished.

(7) In addition to the satisfaction and discharge of the said price or consideration the Corporation shall bear and pay the reasonable costs charges and expenses of winding up the company in accordance with the provisions of the section of this Act of which the marginal note is "Company to wind up affairs" and shall also pay to the company any costs reasonably incurred by them in connection with the Bill for this Act.

7. On payment or discharge by the Corporation to the company of the said price or consideration in accordance with the provisions of this Act the undertaking of the company shall by virtue of this Act and without further assurance or other authority become and shall thenceforth stand transferred to and be vested in and belong to the Corporation but subject to any obligations of the company under the Acts of Parliament relating to the company and such transfer and vesting are referred to in this Act as "the transfer":

Transfer and vesting of undertaking of company to and in 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 their existing shares and preference stock at the authorised rates up to the day of transfer and to the extent necessary for such purpose may retain any such profits and funds as aforesaid.

8.—(1) Any stock of the Corporation issued and sums of cash (if any) paid to the company or to the holders of shares or stock in the capital of the company in pursuance of the provisions of this Act shall be held in the same rights on the same trusts and subject to

Substituted securities to be held in same rights.

A.D. 1929. — the same powers provisions charges and liabilities as those in on or subject to which the shares or stock in the capital of the company were held immediately before the day of transfer and so as to give effect to and not to revoke any deed will or other instrument or testamentary or other disposition disposing of or affecting the said shares or stock.

(2) Any bequest of or any covenant or provision of any deed will or other instrument relating to any specific number or nominal amount of shares or stock in the capital of the company shall be held to apply to the amount of stock of the Corporation and sum of cash (if any) which under the provisions of this Act is to be issued and (in the case of any sum of cash) paid in substitution for such specific number or nominal amount of shares or stock in the capital of the company.

(3) Trustees executors and administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the stock of the Corporation so issued to them and sums of cash (if any) so paid to them in pursuance of the provisions of this Act for the shares or stock in the capital of the company held by them and may hold dispose of or otherwise deal with such stock of the Corporation and sums of cash in all respects as they might have held disposed of or otherwise dealt with the shares or stock in the capital of the company for which the same are substituted.

Inspection
of books
&c.

9. The Corporation before the day of transfer and thereafter the company their solicitors and agents shall be entitled to have access to and to take copies of all documents to be handed over or handed over to the Corporation so far as the same may be necessary for the purposes of enabling the Corporation or the company to execute any of the provisions of this Act and the Corporation shall also be entitled at any time and for the like purpose to have access to and to take copies of all documents to be retained by the company.

Receipt for
purchase
money.

10. The receipt in writing of three directors of the company for any stock of the Corporation or money issued or paid to the company by the Corporation shall effectually discharge the Corporation from the amount of stock or sum which in such receipt shall be acknowledged

to have been received and from being bound to see to the application thereof or from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Corporation are unable to obtain such receipt they may deliver the certificate or certificates of stock or pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the stock of the Corporation or money which shall have the same effect as the receipt of such three directors.

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11. The production of a King's Printer's or Royal Assent copy of this Act duly stamped together with a receipt for the price or consideration purporting to be signed by three directors of the company or by the cashier of the Bank of England shall (unless it can be proved that the price or consideration has not been satisfied or paid) be conclusive evidence of the transfer in all courts and proceedings.

Evidence of transfer.

12. The company shall at the cost of the Corporation as soon as possible after the day of transfer make up the accounts of the undertaking of the company for the period commencing on the twenty-fifth day of June nineteen hundred and twenty-eight to the day of transfer as near as may be in the usual form and have the same audited by the auditors of the company and shall deliver copies of such accounts to the Corporation. Such accounts when so audited shall be accepted by the company and the Corporation as evidence of all matters of account stated therein.

Company to make up accounts.

13. No action suit prosecution or other proceeding whatsoever commenced either by or against the company in relation to any property right privilege debt liability or obligation transferred to the Corporation shall abate or be discontinued or prejudicially affected by reason of the transfer but the same shall after the day of transfer continue and take effect either in favour of or against the Corporation in the same manner in all respects as the same would have continued and taken effect in relation to the company if the transfer had not been made and all penalties incurred by reason of any

Actions &c. not to abate and penalties to be recoverable.

A.D. 1929. — offence against the provisions of any enactments of the company previously to the day of transfer may be sued for and all offences committed against such provisions previously to the day of transfer may be prosecuted by the Corporation in such or the like manner to all intents and purposes as such penalties might have been sued for or such offences prosecuted if the transfer had not taken place and all moneys payable to the company prior to the day of transfer may be sued for and recovered by the Corporation in the same manner in all respects as the same might have been sued for and recovered by the company if this Act had not been passed.

Contracts
&c. to be
binding on
Corporation.

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

Books &c.
to remain
evidence.

15. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence to the same extent in respect of the same and the like matter for or against the Corporation.

Company to
wind up
affairs.

16.—(1) As from the day of transfer all obligations of the company under the Acts of 1868 and 1928 shall subject to the provisions of this Act cease and determine and from and after the day of transfer the company shall continue to exist only for the purpose of receiving the sums and certificates of stock of the Corporation payable and to be issued to the company under this Act and distributing or otherwise applying the same and of paying any dividends which the company are authorised to distribute and of winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the company. The directors of the company who are in office on the day of transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes

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of this section If the number of directors of the company be reduced by death resignation or otherwise below three before the completion of the winding up the continuing directors shall from time to time choose a holder or holders of shares or stock in the capital of the company to fill the vacancy or vacancies so caused.

(2) As soon as may be practicable after the day of transfer the directors of the company shall proceed to wind up the affairs of the company and shall distribute the certificates of stock of the Corporation and other moneys payable to them by the Corporation to and amongst the shareholders and stockholders of the company and for that purpose the several persons whose names shall appear in the books of the company at the day of transfer to be the proprietors of shares or stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders and stockholders of the company and the receipt in writing of such persons or of their executors administrators or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors thereof.

(3) As soon as conveniently may be after the day of transfer every holder of shares or stock of the company shall surrender to the directors at the time and in manner required by such directors the certificate or certificates of the shares or stock held by such proprietor and shall upon the surrender thereof be entitled to receive and shall receive instead thereof from the directors of the company the certificate of stock of the Corporation and money (if any) to which such proprietor is entitled under the provisions of this Act and the certificates of the shares or stock of the company shall upon such surrender be cancelled.

(4) If the certificate for any shares or stock of the company be lost or destroyed then upon proof thereof to the reasonable satisfaction of the directors and upon an indemnity being given against any claim in respect of such lost or destroyed certificate to the like satisfaction the directors shall issue to the person entitled to such lost or destroyed certificate the certificate of stock of the Corporation and shall pay to such person the money (if any) to which he would be entitled under the

A.D. 1929. provisions of this Act as if such lost or destroyed certificate had been surrendered by such person to the directors as hereinbefore provided.

(5) Where the directors of the company are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any certificate of stock of the Corporation or money ought to be delivered or paid or who can give an effectual receipt for the same the directors may transfer such stock or pay such money in manner provided for payment of money into court by any Act for the time being in force for the relief of trustees and where the amount does not exceed five hundred pounds the directors may transfer or pay the same into the county court of Sussex holden at Lewes and every such payment into court shall effectually discharge the company and the directors from all further liability with respect to such stock or money and for the purposes of this Act the certificate relating to such stock and such money shall be deemed to be delivered or paid to the person absolutely entitled thereto and any person afterwards showing to the court that he is entitled thereto may obtain transfer of the stock or payment of the money accordingly. Upon the provisions of this section being carried into effect the company shall ipso facto be dissolved.

Compensation to directors.

17.—(1) The Corporation shall on the day of transfer 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 Corporation so determine be satisfied by the issue to the company of five per centum stock of the Corporation 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.

(2) 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 shall have decided in manner required by the Act of 1928 and of such their decision informed the Corporation.

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18. The Corporation shall on the day of transfer take into their employment all the officers and employees who were in the service of the company on the first day of March nineteen hundred and twenty-eight and 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 or such other terms as may have been arranged by the company with the approval in writing of the Corporation.

As to officers &c. of company.

19.—(1) The Acts of 1868 and 1928 shall as from the day of transfer be repealed except so far as may be necessary to give effect to the provisions of the section of this Act whereof the marginal note is "Company to wind up affairs" and except the provisions of those Acts which are set out in the First Schedule to this Act Provided that notwithstanding such repeal all arrears of rates and charges payable under the provisions of the said Acts and all rates and charges payable thereunder in respect of any period before the day of transfer may be collected and recovered as if this subsection had not been enacted.

Partial repeal of Acts.

(2) The Corporation shall have the powers and rights and be subject to the obligations of the provisions which are set out in the First Schedule to this Act as if the Corporation were named in those provisions instead of the company.

PART III.

WATERWORKS AND LANDS.

20.—(1) Subject to the provisions of this Act the Corporation may maintain and repair and from time to time alter improve enlarge deepen extend and renew or discontinue the waterworks vested in or belonging to them or authorised to be constructed by virtue of this Act and may use and employ the same for the purpose of taking intercepting pumping and impounding water and may take intercept pump and impound any waters which can be taken intercepted pumped or impounded by such waterworks and may from time to time extend

Power to maintain &c. existing waterworks.

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the works vested in them by this Act and may use those works and pipes for the supply of and may sell and supply water within the water limits and under the provisions of this Act and the Corporation shall in respect of those works and pipes and the maintenance and future use regulation and enlargement thereof have the powers and be subject to the provisions of this Act and the Acts incorporated wholly or in part with this Act so far as the same relate to the water undertaking and the same shall be deemed to be and shall be and form part of the water undertaking.

(2) In addition to the works referred to in subsection (1) of this section the Corporation may upon the lands comprised in the undertaking of the company 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 said works or any of them but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limiting
powers of
Corporation
to abstract
water.

21.—(1) The Corporation shall not 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.

(2) For the purposes of this section the existing waterworks of the company shall be deemed to be works authorised by this Act and the lands upon which such existing waterworks are constructed shall be deemed to be specified in this Act.

Further
powers in
relation to
water mains.

22. Subject to the provisions of this Act the Corporation shall have and may exercise the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district :

Provided that the Corporation shall not exercise such powers through across or under any lands or property belonging to a railway company and used for the purposes of their undertaking without the consent of such company but such consent shall not be unreasonably

withheld and any question whether or not such consent has been unreasonably withheld shall be determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of such company or the Corporation.

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23. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall with the necessary modifications apply within the water limits to the construction laying down erection and maintenance in any streets or roads of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down within the water limits for the purposes of their water undertaking Provided that any telephone or telegraph posts wires conductors or apparatus constructed laid down erected or maintained under the provisions of this section shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Application
of Water-
works
Clauses Act
1847 to dis-
charge pipes
telephones
&c.

24.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus.

Meters in
streets to
measure
water or
detect
waste.

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

(3) Provided also that the Corporation shall not without the previous consent of the Southern Railway

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Company exercise the powers of this section in respect of any street or apparatus belonging to or maintained by that company but such consent shall not be unreasonably withheld and any difference which may arise between that company and the Corporation as to whether such consent is in any case unreasonably withheld shall be 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.

Discharge of
water into
streams.

25.—(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 Corporation the Corporation 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.

(2) In the exercise of the power conferred by this section the Corporation 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.

(3) The rate at which the Corporation 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 Corporation 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 East Sussex County Council in respect of any stream ditch or watercourse draining or adjacent to a main road under the control of that 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 Corporation cause water to be discharged into any ditch or watercourse constructed for the purpose of draining such railways and works.

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26.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired or held by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of the water undertaking but (except with the consent of the Minister) the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres.

Power to purchase additional lands by agreement.

(2) The Corporation may on all or any of such additional lands and also on all or any of the lands for the time being held by them under the powers of this Act execute for the purposes of or in connection with the water undertaking any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

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

(4) Nothing in this section shall limit the powers of the Corporation under subsection (2) of section 7 (Confirmation of existing pumping station) of the Act of 1928 which section is set out in the First Schedule to this Act.

27.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in

Power to retain sell &c. lands.

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consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other local Act for the time being in force in the borough and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

(2) The Corporation shall not (unless the Minister otherwise direct) sell lease exchange or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(3) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

(4) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Reservation
of water
rights &c.

28. The Corporation on selling any lands held by them for the purposes of the water undertaking and not required for those purposes may reserve to themselves all or any part of the water rights or other easements

belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

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29.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

Proceeds of
sale of sur-
plus lands.

(2) Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase;
- (b) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

30.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes.

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

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance

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on any lands acquired under this section nor without the approval of the Minister erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation or appropriated by them for purposes other than purposes of the water undertaking.

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

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

Persons
under dis-
ability may
grant ease-
ments &c.

31. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

32. The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with the water undertaking and the Corporation may also erect maintain and let any such buildings upon any land for the time being belonging or leased to the Corporation for those purposes.

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Dwelling-
houses for
employees
and other
buildings.

33. For the protection of the county council of East Sussex (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the Corporation and the county council have effect (that is to say):—

For protec-
tion of East
Sussex
County
Council.

- (1) All mains pipes and works of the Corporation (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 county 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 :
- (3) The plan required by section 31 of the last-mentioned Act shall (except as aforesaid) be delivered to the county council or their surveyor by the Corporation not less than in the case of any such bridge or approaches one month and in all other cases seven days before the Corporation 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 county council for the purpose of executing the works :
- (4) If the Corporation in the execution of any works in or affecting any such main road or bridge

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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 county council after reasonable notice to the Corporation 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 Corporation shall repay to the county council all costs charges and expenses which the county 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 Corporation to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor of the county council which consent shall not be unreasonably withheld and may be given upon such conditions (other than a money payment) as the county council or such surveyor may reasonably determine :
- (6) Nothing in this Act shall interfere with any right of the county council to alter the level of or deviate or improve any main road in or along which any mains pipes or works of the Corporation shall have been laid and the Corporation shall with all reasonable speed after receiving notice in writing under the hand of the clerk or surveyor to the county 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 county council shall repay to the Corporation all expenses reasonably incurred by the Corporation 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 Corporation 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 county 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 Corporation 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 Corporation 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 the Act of 1928 and at the expense of the county council in the case of mains pipes and works laid or attached before the passing of the Act of 1928 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 county 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 county council or of any other service or undertaking

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of or carried on by the county council they shall repay to the Corporation all expenses which the Corporation reasonably incur under this subsection :

- (8) All works of the Corporation 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 county council shall not be liable for or in respect of any damage or injury done to any work of the Corporation constructed or laid after the passing of the Act of 1928 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 county 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 county council and the Corporation under this section and any matter by this section required to be referred to arbitration shall be referred to an arbitrator to be appointed on the application of either party after notice in writing 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 county council or the duties and obligations of the Corporation in relation to the county council under an agreement dated the thirty-first day of December nineteen hundred and twenty-seven and made between the county 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.

34. 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 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 county council" in the said section included the said district councils.

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For protec-
tion of local
authorities.

35. 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 Corporation :—

For protec-
tion of Com-
missioners
of Sewers of
Lewes and
Laughton
Levels.

(1) All pipes conduits and works laid or executed in any portion of the parishes of Iford or Kingston near Lewes under the powers transferred to or conferred upon the Corporation by this Act 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 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

A.D. 1929.

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 said parishes in under or through the property of the commissioners shall be maintained by the Corporation in good repair and condition and so as not to cause any injury to the property of the commissioners and the Corporation 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 Corporation as a debt due by the Corporation to the commissioners :
- (4) Any dispute between the Corporation 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 appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and any such arbitration shall be subject to the provisions of the Arbitration Act 1889.

For protection of trustees of Newhaven Harbour and Ouse Lower Navigation.

36. 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 Corporation have effect (namely) :—

- (1) All pipes conduits and works laid or executed in any portion of the parishes of Iford or Kingston near Lewes under the powers transferred to or conferred upon the Corporation by this Act 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 : A.D. 1929.
- (3) All pipes conduits and works laid or executed within the said parishes in under along or through the property of the trustees shall be maintained by the Corporation in good repair and condition and so as not to cause any injury to the property of the trustees and the Corporation 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 Corporation as a debt due by the Corporation to the trustees :
- (4) Any difference between the Corporation 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 appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and the provisions of the Arbitration Act 1889 shall apply to the reference.

37. The Corporation shall not under the powers transferred to or conferred upon them by this Act construct on over or under the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the

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

A.D. 1929. — hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation 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 costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

PART IV.

SUPPLY OF WATER.

Limits of supply.

38.—(1) The limits within which the Corporation may supply water under the powers of this Act are—

- (a) The borough;
- (b) The parishes of South Malling (Without) Southover (Without) and Saint Ann (Without) and the detached portion of the parish of Saint John (Without) all in the rural district of Chailey;
- (c) The parish of Kingston near Lewes and the parish of Iford (including Iford (detached)) except so much of that parish as is situate to the south of a line drawn due east and west through the point on Iford Hill marked 565 on the Ordnance map scale one inch to the mile (third edition) all in the rural district of Newhaven.

(2) The said limits are shown upon a map signed in triplicate by Sir Dennis Herbert the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of which map has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office and if there is any discrepancy between the description

of the said limits which is contained in subsection (1) of this section and the said map the latter shall prevail. A.D. 1929. —

39. 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 near Lewes 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 Corporation apply and have effect (that is to say) :—

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

(1) Notwithstanding anything in this Act the Corporation 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 the Act of 1928 was referred and of which plan one copy was deposited in the Parliament Office House of Lords and another copy in the Committee and Private Bill Office of the House of Commons and the third copy was 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 Corporation and the owners under this section shall be referred to and determined by arbitration the arbitrator to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and any such arbitration shall be subject to the provisions of the Arbitration Act 1889.

40. The Corporation shall provide a constant supply of water in accordance with the provisions of the Waterworks Clauses Act 1847 but they shall not be required

As to pressure.

A.D. 1929. — 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.

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

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

Guarantees
by district
councils.

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

(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 any general Act relating to the powers of such council they may incur expenditure and any such council may raise any money which may become payable to the Corporation under this section in like manner as money may be raised under the provisions of any such general Act.

(3) Provided that where such money is raised by means of a rate such rate shall be or shall be deemed to be a special rate.

Rates for
domestic
purposes.

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

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(2) The net annual 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 net annual value of a part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing rates the Corporation 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 Corporation may think fit. Such additional sums shall be paid and shall 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 Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Rates payable by owners of small houses.

(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.

45.—(1) Subject to the provisions of this Act the Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by meter either for domestic or other purposes and the moneys payable for

Supply by meter.

A.D. 1929. — the supply of water under this section shall be recoverable in the same manner as water rates.

(2) Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Charges for
hose-pipes
and refri-
gerating
apparatus.

46.—(1) Where water supplied for domestic purposes is used for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation 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 in addition to the rates for the time being authorised by or under this Act for the supply of water for domestic purposes and shall be paid and recoverable in all respects with and in the same manner as the said rates.

(2) Where water supplied by the Corporation 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 for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of any such hose-pipe 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 Corporation for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

- (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 Corporation :

Provided that if the person is only taking a supply of water from the Corporation for domestic purposes the minimum sum per quarter which may be demanded by the Corporation for the water used for or in connection with the refrigerating apparatus if taken by meter shall not exceed ten shillings. A.D. 1929.

47. 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 Corporation for decorative or timber iron or steel work not requiring the use of water. Price of supply for building purposes.

48.—(1) Notwithstanding anything in any Act relating to the Corporation a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation 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 Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure. Special terms for supplies to caravans shacks &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 which of the parties the costs of the proceedings before them shall be paid and the decision of the court 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 Corporation shall not (unless required so to do by the Minister) supply water to any caravan shack hut tent

A.D. 1929.

or other like structure if the local authority for the district in which the structure is situated objects to the supply being given.

Supply to
houses
partly used
for trade
&c.

49. The Corporation shall not be bound to supply with water otherwise than by measure—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any workhouse 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.

50. The Corporation shall if and when so required by the owner of any public offices within the water limits 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 Corporation 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 farm-
houses.

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

(2) If the owner or occupier of any farm premises within the water limits desires a supply of water for farming purposes and lays the necessary communication pipe from such premises to a main of the Corporation the Corporation 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 Corporation 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 water limits.

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52. The charge to be made by the Corporation for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons. Provided that the Corporation 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.

53.—(1) At any time during the period of three months before and three months after the coming into force within the water limits of any and every new valuation list under the Rating and Valuation Act 1925 the Corporation or the county council of East Sussex or any local authority (other than the Corporation) having jurisdiction within the water limits may apply to the Minister for a revision of the rates and charges for the supply of water authorised by this Act or for the time being in force under any order of the 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 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 Corporation within the meaning and for the purposes of this section.

54.—(1) Any water rate payable to the Corporation may be collected together with the general rate and the same books may be used for the said rates.

Water rate &c. may be collected with general rate.

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

(3) The Corporation may demand water rates and charges both within and beyond the borough by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the

A.D. 1929. same shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

(4) (a) The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect of any water rate or charge or any instalment thereof from every person who pays the same within such time after demand of the rate or any instalment thereof as the case may be as the Corporation may prescribe.

(b) Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rate or charge or any instalment thereof shall be demanded.

(c) Notice of this enactment shall be endorsed on every demand note for water rates and charges.

Byelaws for preventing waste &c. of water.

55.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this 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.

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

(3) The Corporation shall on or before the date upon which notice of any such byelaws is first given in any local newspaper in pursuance of section 184 of the Public Health Act 1875 send a copy of the byelaws to the local authority for every district in which the byelaws are intended to be in force.

(4) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours’ notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water

fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable. A.D. 1929.

56. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the Corporation or any person duly authorised by him in writing 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 Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds. Extension of power to inspect premises.

57. 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 Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Corporation. Maintenance of common pipe.

58.—(1) The Corporation 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 : Separate communication 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 Corporation 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.

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(2) If the owner of any house or part of a house occupied as a separate tenement and supplied with water by the Corporation 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 Corporation may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from the owner.

As to communication pipes.

59.—(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.

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

Power to Corporation to repair communication pipes.

60. If in the opinion of the Corporation 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 Corporation are not under obligation to maintain it shall be lawful for the Corporation 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 Corporation 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 Corporation in like manner as the water rates in respect of the premises are recoverable. Provided that (except in emergency) the Corporation 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.

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61. Notwithstanding anything in any Act relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation 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 Corporation in so doing shall be repaid by the owner or occupier so requesting.

Corporation
to connect
communica-
tion pipes
with mains.

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

Power to
sell meters.

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

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 Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted

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consumed or used water of the Corporation the Corporation may 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 or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation 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 Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Register of
meter to be
prima facie
evidence.

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

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

Notice to
Corporation
of connect-
ing or dis-
connecting
meters.

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

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

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—
Notice of
discontinu-
ance.

67.—(1) The Corporation 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 execute all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Power to
supply
water fitt-
ings.

(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 Corporation as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Corporation on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Corporation. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows—

(a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys

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borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(b) When a demand note delivered by the Corporation to a consumer includes a sum charged by the Corporation in respect of providing such fittings or the fixing repairing or removal thereof such sum shall be clearly stated in such demand note;

(c) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

Penalty for interfering with valves &c.

68. 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 Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for closing valves and apparatus.

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

Contracts for supplying water in

70. The Corporation may enter into and carry into effect agreements with any local authority company or

person for the supply of water beyond the water limits to such authority company or person 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 :

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—
bulk outside
water limits.

Provided that—

- (1) Such supply shall not be given except with the consent of any local authority 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 within the water limits :
- (2) Nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the water limits.

71. The Corporation may enter into and carry into effect agreements with any local authority company or person supplying water under parliamentary authority for the purchase of water in bulk by the Corporation 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 Corporation for the purposes of the water undertaking.

Purchase of
water in
bulk.

PART V.

FINANCIAL AND MISCELLANEOUS.

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

Power to
borrow.

A.D. 1929. shall respectively be "the prescribed period") mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) The purchase of the undertaking of the company (so far as the price or consideration therefor is paid in cash) including any moneys payable to the company by the Corporation under the sections of this Act of which the respective marginal notes are "Sale and purchase of undertaking of company" and "Compensation to directors."	£ The sum requisite.	Forty-seven years from the first day of January nineteen hundred and thirty.
(b) The payment of the costs and expenses incidental to the purchase and transfer of the undertaking of the company by and to the Corporation (other than the costs of this Act) and the payment of the costs charges and expenses of winding up the company.	The sum requisite.	Forty-seven years from the first day of January nineteen hundred and thirty.
(c) The construction and completion of the works authorised by the provisions set forth in the First Schedule to this Act.	6,500	Thirty years from the date or dates of borrowing.
(d) The extension of the pumping station and new pumping machinery.	8,000	Thirty years from the date or dates of borrowing.
(e) New mains replacements and extensions of mains and other water-works purposes.	6,000	Thirty years from the date or dates of borrowing.
(f) Working capital for the water undertaking.	5,000	Ten years from the date or dates of borrowing.
(g) The payment of the costs charges and expenses of this Act and of and incidental to the opposition of the Corporation to the Bill for the Act of 1928.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also borrow with the consent of the Minister such further moneys as may be necessary for any of the purposes of this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of this Act.

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

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73.—(1) The Corporation shall immediately prior to the day of transfer create such an amount of stock of the Corporation (to be called “Lewes Corporation 5 per centum redeemable stock 1929–1976”) as may be necessary to give effect to the sections of this Act of which the marginal notes are “Sale and purchase of undertaking of Company” and “Compensation to directors” Such stock shall be entitled to dividend at the rate of five per centum per annum from the day of transfer payable on the first day of July and the first day of January in each year until redemption and the first payment of such dividend shall be made on the first day of July nineteen hundred and thirty in respect of the period from the day of transfer until that first day of July Such stock shall also be redeemable and be redeemed or purchased and extinguished in accordance with the provisions of subsection (6) of the said section of this Act of which the marginal note is “Sale and purchase of undertaking of Company.”

Creation of
stock for
purposes of
Act.

(2) The stock regulations 1891 and any regulations amending the same shall (subject to the provisions of this Act) apply to the said stock and any provisions of those regulations requiring the order consent or approval of the Minister in relation to the creation of the stock shall have effect as if that order consent or approval had been made or given and the amounts of the contributions from the revenues of the Corporation payable in each year for redemption and extinction or purchase and extinction of the stock shall be determined by the provisions of paragraph (b) of article 14 (3) of the stock regulations 1891 and the rate per centum for the purposes of those provisions is hereby determined to be not exceeding three pounds ten shillings per centum or such other rate as the Minister may from time to time approve.

(3) The said stock and all dividends from time to time payable thereon shall be charged on the revenues of the Corporation.

(4) The said stock shall rank *pari passu* with the existing mortgages granted by the Corporation and the

A.D. 1929. Corporation shall not at any time create or issue any mortgage stock annuity or other security ranking either as to principal or interest in priority to such first mentioned stock.

Certain provisions of Public Health Acts not to apply.

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

Mode of raising money.

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

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

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

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Mode of payment off of money borrowed.

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

78.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act or any other statutory borrowing power (except moneys raised by the issue of stock) such fund shall be formed and maintained either—

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—
Sinking
fund.

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

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

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

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

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

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

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay

within the prescribed period the moneys for the repayment of which the sinking fund is formed. A.D. 1929:

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

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

(12) All moneys which at the commencement of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof may be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

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

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be repaid forthwith; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

Power to
re-borrow.

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A.D. 1929. — which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

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

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

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

(c) out of moneys derived from the sale of land;
or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Application
of section 79
of Public
Health Act
1925.

80. The provisions of section 79 of the Public Health Act 1925 shall apply in relation to any sums set apart as a sinking fund or a redemption fund for the purpose of paying off moneys borrowed by the Corporation in the exercise of any statutory borrowing power as if all such moneys had been borrowed by the Corporation in exercise of their powers under the Public Health Act 1875.

Use of
moneys
forming part
of sinking
and other
funds.

81. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation accident or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or

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the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

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

As to section 234 of Public Health Act 1875.

83.—(1) Notwithstanding anything contained in any other Act relating to the Corporation where the Corporation have from time to time any statutory borrowing power they may for the purpose of exercising

Power to use one form of mortgage for all purposes.

A.D. 1929. such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

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

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(7) There shall be kept at the office of the town clerk a register of the mortgages granted under this section and within one month after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours

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at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

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

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

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

84.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and thirty the Corporation may (if they think fit) establish a fund to be called “the

Consolidated loans fund.

A.D. 1929. consolidated loans fund" to which shall be paid as and
— when they are received—

- (a) all moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and
- (d) a sum or sums equal to the aggregate amount of all dividends and interest payable in each year on stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

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

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

- (a) in the redemption of stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation;
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; and

(c) in the payment of dividends and interest on the stock mortgages or other securities issued in the exercise of any statutory borrowing power of the Corporation and remaining outstanding: A.D. 1929.

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

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

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

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

85. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk or registrar of stock of the Corporation of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of

Evidence of transfer or transmission of securities.

A.D. 1929. — a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Interest on mortgages held jointly.

86. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Corporation not to regard trusts.

87. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had expressed or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register.

Appointment of receiver.

88.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall be not less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Protection of lender from inquiry.

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

Application of moneys borrowed.

90. All moneys borrowed under the provisions of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable.

91. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the general rate fund.

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Expenses of execution of Act.

92.—(1) The town clerk shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

Return to Minister with respect to repayment of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision of any enactment which was in force in the borough immediately before the passing of this Act and which requires an annual return to be made

A.D. 1929. — to the Minister with regard to the repayment of debt is hereby repealed.

Application of revenue and payment of expenses of undertakings.

93.—(1) All money received by the Corporation on account of the revenue of the water undertaking or of any other undertaking of the Corporation existing at the date of this Act from which revenue is derived shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of any such undertaking shall be paid out of that fund.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings referred to in subsection (1) of this section in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively.

Separate accounts to be kept.

94.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation referred to in the last preceding section of this Act (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

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(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

95.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of the water undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same subject to the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-tenth of the aggregate capital expenditure for the time being upon the undertaking.

Reserve
fund for
water under-
taking.

(2) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(3) Resort may be had to the said reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) The income of any such reserve fund shall be treated as part of the revenue of the water undertaking.

96.—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the borough requires

Authentica-
tion and
service of
notices &c.

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authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the Company at their registered office or at their principal office or place of business.

Evidence of
appoint-
ments
authority
&c.

97. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

General pro-
visions as to
byelaws.

98. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act.

Damages
and charges
to be settled
by court.

99. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

100. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

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Recovery of demands.

101. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several sums in one summons.

102. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Informations by whom to be laid.

103. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of penalties &c.

104. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be carried by him to the credit of the general rate fund or to such other fund as the Corporation shall direct.

Penalties to be paid over to treasurer.

105. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for indictments &c.

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Application
of section
265
of Public
Health Act
1875.Judges not
disqualified.Crown
rights.Inquiries by
Minister.Costs of
Act.

106. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

107. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

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

109.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister any expenses incurred by the Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Minister not exceeding five guineas a day for the services of such inspector.

110. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

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THE FIRST SCHEDULE.

SECTIONS OF THE COMPANY'S ACTS SAVED FROM REPEAL.

THE ACT OF 1868.

57. It shall not be lawful for the Company to enter upon or take or use any Lands, Tenements, or Hereditaments which at the Time of the passing of the recited Act belonged to John Mercer Bosville Durrant Esquire, or any Spring or Stream arising within any such Lands, Tenements, or Hereditaments as last aforesaid, without the Consent in Writing of the said John Mercer Bosville Durrant, or the Proprietor for the Time being of such Lands, Tenements, and Hereditaments, first had and obtained, anything in this Act contained to the contrary notwithstanding; provided also, that such Lands, Tenements, or Hereditaments as last aforesaid shall not be deemed to extend to the Cockshut Stream.

Not to enter
lands of
Mr. Durrant
or take water
therefrom.

58. Nothing in this Act contained shall extend or be construed to extend in any way to invalidate, lessen, diminish, alter, or take away any of the Rights, Privileges, Powers, and Authorities vested in the Lords of the said Borough of Lewes, or the Constables of the said Borough, or in the Commissioners acting under and by virtue of a certain Act of Parliament for paving, lighting, cleansing, watching, repairing, and improving the Roads, Streets, Lanes, and other public Passages and Places within the Borough of Lewes within the County of Sussex, and for preserving and preventing Nuisances and Encroachments therein, the Commissioners for the Improvement of the Parish and Ville of the Cliffe, Lewes, or in the Commissioners for improving the Navigation of the River Ouse between Newhaven Bridge and Lewes Bridge in the County of Sussex, and for the better draining of the Low Lands lying in Lewes and Laughton Levels in the said County, or the present or any future Commissioners of Sewers for the said Lewes and Laughton Levels (save and except so far as regards Power given to the Company by this Act to open the Streets, Lanes and Passages within the said Town and Borough of Lewes and the said several Parishes for the Purposes of this Act), but all and every such Rights, Powers, and Authorities may remain, continue, and be in the said several Lords, Constables, and Commissioners, and every of them, in as full and ample a Manner to all Intents and Purposes as the same were enjoyed before the passing of this Act.

Saving of
rights.

A.D. 1929.

THE ACT OF 1928.

For protec-
tion 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.

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).

Power to
take waters.

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
make works.

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 :—

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- (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. Annes 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 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.

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) :—

Limits of deviation.

- (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

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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.

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Company may acquire easements only in certain cases.

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.

(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.

Company may acquire certain easements compulsorily.

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. A.D. 1929.

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. Period for compulsory purchase of lands and easements.

* * * * *

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) :— For protection of Southern Railway Company.

(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 :

(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

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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 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 : A.D. 1929.
- (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 :
- (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.

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

BOROUGH OF LEWES.

By virtue of the Lewes Corporation Act 1929 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Lewes (hereinafter referred to as " the Corporation ") in consideration of the sum of pounds (hereinafter referred to as " the principal sum ") paid to the treasurer of the borough by (hereinafter referred to as " the mortgagee ") do hereby grant and assign unto the mortgagee [his] executors administrators

[Ch. lxiii.] Lewes Corporation. [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929.

and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year. And it is hereby agreed that the principal sum shall be repaid at the town hall in the said borough [(subject as hereinafter provided) on the day of nineteen hundred and or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by].

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the town clerk for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this day of nineteen hundred and

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of nineteen hundred and [and the interest to be paid thereon on and from the day of nineteen hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of
nineteen hundred and

FORM OF TRANSFER OF MORTGAGE.

A.D. 1929.

I [the within-named] of
in consideration
of the sum of pounds paid to me by
of
(hereinafter referred to as "the transferee") do hereby transfer
to the transferee [his] executors administrators and assigns
[the within-written security] [the mortgage number
of the revenues of the mayor
aldermen and burgesses of the borough of Lewes bearing date
the day of]
and all my right and interest under the same subject to the
several conditions on which I hold the same at the time of the
execution hereof and I the transferee for myself my executors
administrators and assigns do hereby agree to take the said
mortgage security subject to the same conditions.

Dated this day of
nineteen hundred and .

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