



CHAPTER lxxiii.

An Act to confer powers on the Chailey Rural District Council with reference to the construction of waterworks and the supply of water and for other purposes. A.D. 1934.
[25th July 1934.]

WHEREAS the rural district of Chailey in the county of East Sussex is under the jurisdiction of the Chailey Rural District Council (hereinafter referred to as "the Council") and it is the duty of the Council to see that the said district is supplied with water :

And whereas certain parts of the said district are without an adequate supply of water and it is expedient to empower the Council to construct waterworks and to supply water as in this Act provided :

And whereas the Burgess Hill Water Company are authorised to supply water in (amongst other places) the parishes of Ditchelling Street and Westmeston and part of the parish of Wivelsfield all in the said district and are desirous of obtaining a supply of water in bulk from the Council and it is expedient to empower the Council to supply water in bulk to the said company and others on such terms as may be agreed :

And whereas it is expedient to make provision as to the finances of the Council and as to the revenues of their undertakings and special services :

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

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

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

For the construction of the waterworks authorised by this Act	£ 8,880
Water mains and other waterworks purposes	29,720
Working capital for the water undertaking	1,000

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 as amended by section 55 of the Local Government Act 1929 have been observed:

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Chailey Rural District Council Act 1934.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Lands.

Part III.—Waterworks.

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Part IV.—Supply of water.

Part V.—Financial.

Part VI.—Miscellaneous.

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

Incorporation of Acts.

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

(a) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section:

(2) The Waterworks Clauses Act 1847 except—

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

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

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

(3) The Waterworks Clauses Act 1863; and

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

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 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

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

“The Council” means the Chailey Rural District Council;

“The district” means the rural district of Chailey as for the time being constituted;

“The clerk” and “the treasurer” mean respectively the clerk and the treasurer of the Council;

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

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

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

“The tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;

“The Act of 1933” means the Local Government Act 1933;

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

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

“Special services” means the services for the time being provided by the Council for and in connection with—

(a) the supply of water under the Public Health Acts;

(b) the provision of works of sewerage and sewage disposal;

(c) public lighting;

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(d) the removal of house refuse from premises and the cleansing of earthclosets privies and ash-pits; or

(e) any other services the expenses of which are by section 190 of the Act of 1933 or any other enactment required to be a separate charge on one or more contributory places in the district;

except such services the expenses of which the Council may for the time being determine to defray as part of their expenditure for general purposes under section 190 of the Act of 1933 or under any other enactment;

“Specified parishes” means the parishes or contributory places on which the expenses of the special services respectively are for the time being chargeable;

“Gross value” and “net annual value” have the same meanings as in the Rating and Valuation Act 1925;

“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 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

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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 Council;

“Revenues of the Council” has the meaning assigned to “revenues” by section 218 of the Act of 1933;

“The Minister” means the Minister of Health;

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

(3) For the purposes of this Act the expressions “the promoters of the undertaking” “the company” and “the undertakers” in the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Waterworks Clauses Acts 1847 and 1863 shall respectively be construed to mean the Council and the expression “the railway” shall be construed to mean the waterworks authorised by this Act and “the centre of the railway” shall be construed to mean in the case of the reservoir (Work No. 5) authorised by this Act the boundaries of such reservoir and in the case of the other waterworks the centre of such waterworks respectively.

PART II.

LANDS.

Power to
acquire
lands.

5. Subject to the provisions of this Act the Council may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act.

Period for
compulsory
purchase of
lands.

6. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the thirty-first day of October one thousand nine hundred and thirty-four.

Council
may
acquire
easements
only in cer-
tain cases.

7.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes

(including the making enlarging renewing maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Council require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of this Act shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

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

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

Persons under disability may grant easements &c.

9. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands by this Act authorised to be taken and used or any of them for the purposes of surveying and valuing the said lands without being deemed trespassers and without being

Power to Council to enter upon property for survey and valuation.

A.D. 1934. subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

Extinction of private rights of way.

10.—(1) All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Council if the Council shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

(2) Provided that the Council shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Compensation in case of recently acquired interest.

11. For the purpose of determining any question of disputed compensation payable in respect of land taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the fifteenth day of November nineteen hundred and thirty-three if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to purchase additional lands by agreement.

12.—(1) The Council 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 for the purposes of the water undertaking any lands not exceeding (except with the consent of the Minister) ten acres in extent or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Council deem necessary for those purposes.

(2) Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands 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 the water undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Council.

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

Provided that the Council shall not create or permit the creation or continuance of any nuisance 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 the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Council.

(2) (a) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted and the Council may for the purposes aforesaid with the consent of the road authority which consent shall not be unreasonably withheld carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(b) Any question as to whether any such consent as aforesaid is unreasonably withheld shall be determined by a single arbitrator to be appointed by agreement between the Council and the road authority or failing agreement by the President of the Institution

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

Reservation
of water
rights &c.
on sale.

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

Power to
retain sell
&c. lands.

15.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other local Act for the time being in force in the district 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 Council 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.

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(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 Council 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 Council 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 Council or any person from or through whom the Council 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.

16. The Council may so far as they consider necessary apply subject to the approval of the Minister 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 other lands but as to capital moneys so received and not so applied the Council 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
surplus
lands.

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

Dwelling-
houses for
employees
and other
buildings.

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PART III.

WATERWORKS.

Power to
make
waterworks.

18.—(1) Subject to the provisions of this Act the Council may make and maintain and from time to time alter renew and reconstruct in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks hereinafter described.

The said waterworks will be situate in the parish of Hamsey in the district and are—

Work No. 1 A collecting conduit or line or lines of pipes commencing in enclosure No. 31 on the 1/2500 Ordnance map of the county of Sussex (edition 1932) sheet No. LIV.9 and terminating in Work No. 3 hereinafter described;

Work No. 2 A collecting conduit or line or lines of pipes commencing in enclosure No. 35 on the said Ordnance map and sheet and terminating in Work No. 3 hereinafter described;

Work No. 3 A collecting tank well and pumping station in the said enclosure No. 35;

Work No. 4 A conduit or line or lines of pipes commencing at Work No. 3 hereinbefore described and terminating in the service reservoir (Work No. 5) hereinafter described;

Work No. 5 A service reservoir (to be called the "Offham Hill service reservoir") to be situate on Offham Hill in enclosure No. 3 on the said Ordnance map and sheet.

(2) The Council may upon lands acquired by them for the purposes of or in connection with the water undertaking under the provisions of this Act make and maintain and from time to time alter renew and reconstruct all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Act or for obtaining access to inspecting maintaining repairing cleansing managing working or using the same or any of them :

Provided that—

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(a) Nothing in this subsection shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them;

(b) Any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

19. In the construction of the waterworks authorised by this Act the Council may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent not exceeding six feet upwards and to any extent downwards:

Limits of deviation for waterworks.

Provided that no part of any conduit or line or lines of pipes shall be raised above the surface of the ground unless and except so far as shown upon the deposited sections.

20.—(1) If the waterworks authorised by this Act and delineated on the deposited plans are not completed by the first day of October nineteen hundred and thirty-nine then subject to the provisions of subsection (2) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Period for completion of waterworks.

(2) Provided that the Council may extend enlarge alter reconstruct renew or remove any of the waterworks and plant and (in the case of any conduit or line or lines of pipes authorised by this Act) lay down additional lines of pipes as and when occasion may require.

21.—(1) Nothing in this Act shall extend to or authorise any interference with or endangering of any works or apparatus or rights of the Central Electricity Board without the consent in writing of that board but such consent shall not be unreasonably withheld.

For protection of Central Electricity Board.

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(2) Any question which may arise between the Council and the said board as to whether in any case the consent of the board under this section is unreasonably withheld shall be referred to and determined by a single arbitrator to be appointed failing agreement 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 reference and determination.

For protec-
tion of
Southern
Railway
Company.

22.—For the protection of the Southern Railway Company (in this section referred to as “the company”) the following provisions shall unless otherwise agreed in writing between the Council and the company apply and have effect with respect to the exercise by the Council of the powers conferred upon them by this Act (that is to say) :—

(1) Notwithstanding anything in this Act contained or shown on the deposited plans and sections no part of Work No. 3 by this Act authorised shall be constructed within a distance of one hundred feet of the embankment of the Keymer branch railway of the company and nothing in this Act shall deprive the company of any right to lateral support for the said embankment and the railways and works thereon :

(2) In laying down and altering any mains pipes or works over upon across or under the railways bridges roads and works of the company (in this section together referred to as “the railways of the company”) the Council shall execute such works in accordance with plans and sections to be previously submitted to and reasonably approved in writing by the chief engineer of the company (in this section referred to as “the engineer”) The said works and the renewal removal or (except in case of emergency) repair of any mains pipes or other works shall be executed after reasonable notice in writing to the company with all reasonable dispatch and under the superintendence (if given) and to the reasonable satisfaction of the engineer Provided that if the engineer does not express

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his approval or disapproval of the said plans and sections within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof :

- (3) The Council shall restore and make good to the reasonable satisfaction of the engineer the roads over any bridges level crossings and approaches (including in the case of a level crossing the railway thereon) which the company are liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council :
- (4) If the company so elect they may themselves in the case of any level crossing execute such works (other than the actual laying down and maintenance of mains or pipes) and may recover the costs reasonably incurred in so doing from the Council :
- (5) The Council shall bear and on demand pay to the company the reasonable expenses (if any) incurred by the company of watching lighting and protecting the railways of the company during the carrying out of the said works :
- (6) The said works shall be constructed executed and maintained so as not to cause any injury or damage to the railways of the company which can be reasonably avoided or any interruption to the passage or conduct of traffic thereon. If any such injury damage or interruption arises from the acts or operations of the Council or by reason of the failure of the Council to maintain the said works or from the bursting leakage or failure of any main pipe or other work of the Council all such injury or damage shall forthwith be made good by the Council or if the company so elect by the company at the expense of the Council and the Council shall indemnify the company from all claims arising out of or in connection with any such injury damage or interruption and shall make compensation to the company in respect thereof :
- (7) The Council shall from time to time pay to the company any additional expenses which

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the company may reasonably incur in effecting any repair or renewal of their existing railway or in effecting in the exercise of their existing powers any widening alteration or extension of that railway by reason of the existence of any mains pipes or works of the Council in over upon across or under the railways of the company :

- (8) Any difference which may arise between the Council and the 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 reference and determination.

For protection of East Sussex County Council.

23. For the protection of the county council the following provisions shall unless otherwise agreed in writing between the Council and the county council have effect with respect to the exercise by the Council of their powers under this Act (that is to say) :—

- (1) In this section unless the context otherwise requires the expressions "road" and "bridge" mean respectively a road and a bridge under the management or control of the county council and the expression "bridge" includes the roadway over any such bridge and the approaches thereto :
- (2) All mains pipes and works of the Council (other than replacements) which may be laid in or along any road or in upon or across any bridge shall be laid in such position (if reasonably possible 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 :
- (3) 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 bridge fourteen days instead of three days and in all other cases seven days instead of three days : A.D. 1934.

- (4) 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 Council not less than in the case of any bridge fourteen days and in all other cases seven days before the Council commence to interfere with any bridge or to open or break up any road for the purpose of executing the works :
- (5) If the Council in the execution of any works in or affecting any road or bridge shall cause any damage injury or disturbance to such road or bridge and shall have failed to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the county council after reasonable notice to the Council 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 Council 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 :
- (6) Nothing in this Act shall authorise the Council to interfere with the structural part of any 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 :
- (7) Nothing in this Act shall interfere with any right of the county council to alter the level of or deviate or improve any road in or along which any mains pipes or works of the Council shall have been laid and the Council 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

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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 Council all expenses reasonably incurred by the Council in complying with the provisions of this section and shall during the alteration deviation or improvement of any such road as aforesaid afford all reasonable facilities to enable the Council 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 :

- (8) 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 bridge in over or near to which any mains pipes or works of the Council are laid or attached in the same manner as they might have removed altered rebuilt widened or repaired such bridge if this Act had not passed and such mains pipes or works had not been laid in over or near to such bridge and if any such bridge in over or near to which any such mains pipes or works are laid or attached be removed altered rebuilt widened or repaired as aforesaid the Council 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 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 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 any service or undertaking of or carried on by the county council they shall repay to the Council all expenses which the Council reasonably incur under this subsection :

- (9) All works of the Council 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 road or over any bridge: A.D. 1934.
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- (10) The county council shall not be liable for or in respect of any damage or injury done to any work of the Council by reason of such works being laid at a depth below the surface of any road or bridge 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:
- (11) Any difference which may arise between the county council and the Council 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.

24. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their waterworks all such springs and waters as will or may be intercepted by the waterworks authorised by this Act. Power to take waters.

25.—(1) The Council shall not sink any well or construct any works for taking or intercepting water elsewhere within the limits described in the section of this Act of which the marginal note is "Limits of supply" than in or on the lands delineated on the deposited plans unless and until they shall have obtained the sanction of the Minister to the borrowing of the money required for defraying the cost of the sinking of such well or the construction of such works. Limiting powers of Council to abstract water.

(2) Notwithstanding anything in any other Act the Minister shall not give any such sanction as is referred to in subsection (1) of this section until one of his inspectors has held a local inquiry into the application for such sanction and reported to him.

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(3) At the same time as the Council make application to the Minister for any such sanction they shall give to the county council notice in writing of such application and the county council shall be entitled to be represented at any such local inquiry.

Byelaws for preventing pollution of water.

26.—(1) The Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within so much of the parish of Hamsey as lies to the west of the Southern Railway (Keymer branch) and as may be defined in the byelaws.

(3) In addition to the requirements of section 250 of the Act of 1933 the Council shall exhibit in some conspicuous place in the said parish copies of the notice referred to in that section and any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(4) A copy of any such byelaws shall be sent to the clerk of the county council one month at least before application is made for their confirmation and before confirming the byelaws the Minister shall have regard to any representations thereon which may be made within the said month by the county council.

(5) The Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local sanitary authority of the district in which such lands are situate and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889 and for the purposes of this subsection the expression "legal rights" shall include a

user of land in respect of which the local authority might have taken proceedings under the Public Health Acts or under their byelaws but have decided not to do so having regard to the character or situation of the land. A.D. 1934.
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(6) If the authority responsible for the maintenance of any highway in any area in which byelaws made under the provisions of this section shall be in force shall be required by the Council to construct filtration or other works for dealing with surface water from the highway the reasonable cost of the construction of such works shall unless otherwise agreed with the said authority be borne by the Council.

27. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in or across any streets or roads of the conduit or line or lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may erect or lay down for the purposes of the water undertaking Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent 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 Waterworks Clauses Act 1847.

28.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any of the waterworks of the Council the Council may cause the water in any such work to be discharged into any available stream ditch or water-course Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish. Discharge of water into streams.

(2) In the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence

A.D. 1934. — of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889.

(3) The rate at which the Council 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 Council and the highway authority for any road drained by the stream ditch or watercourse or adjacent to which road the stream ditch or watercourse is situate or as failing agreement may be determined by arbitration to be reasonable having regard to all the circumstances of the case.

(4) The powers of this section shall not be exercised so as to damage or injuriously affect the railways or works of the Southern Railway Company.

For protection of Lewes and Laughton Levels Internal Drainage Board.

29. For the protection of the Lewes and Laughton Levels Internal Drainage Board (in this section referred to as "the drainage board") the following provisions shall unless otherwise agreed in writing between the drainage board and the Council apply and have effect with respect to the exercise by the Council of the powers conferred upon them by this Act (that is to say):—

(1) If in consequence of the exercise by the Council of the powers of the section of this Act of which the marginal note is "Power to take waters" but not otherwise the level of the water in any watercourse or ditch for which the drainage board are responsible and which is utilised as a drinking place for cattle or for the purpose of preventing the passage of cattle from lands on one side of such watercourse or ditch to lands on the other side thereof shall be lowered to such an extent as to render such watercourse or ditch useless for the purposes aforesaid the Council shall repay to the drainage board the expense (if any) to which the drainage board may be liable in consequence of such lowering for the purpose of providing drinking places for such cattle or erecting fences Provided that no liability shall attach to the Council under this subsection if such lowering

could have been avoided by the exercise by the drainage board of their powers and duties in relation to any watercourse or ditch or by the reasonable operation by them of any sluices or tide-flaps : A.D. 1934.
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- (2) If the Council in the exercise of the powers of this Act shall cause water to be discharged into any ditches on the land within the district of the drainage board so as to cause flooding or other injury to the land within the district of the drainage board in the neighbourhood of or affected by the pumping station authorised by this Act the Council shall pay compensation for all damage sustained by the drainage board by reason or in consequence of the operations of the Council and the amount of such compensation shall be settled in case of dispute by arbitration as hereinafter provided :
- (3) Any question or dispute which may arise between the Council and the drainage board under the foregoing provisions of this section shall be referred to the arbitration of a single arbitrator to be appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

30.—(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 Council 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 Council 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.

Provided that the Council 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 :

A.D. 1934.

— Provided also that the Council shall not exercise the powers of this section in respect of any street pipe line wire or apparatus belonging to or maintainable by the Southern Railway Company without the consent of that company which consent shall not be unreasonably withheld.

(2) Any difference which may arise between the Southern Railway Company and the Council as to whether any consent of the railway company has been unreasonably withheld under the provisions of this section shall be referred to and determined by an arbitrator to be appointed (failing agreement) on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to every such reference and determination.

PART IV.

SUPPLY OF WATER.

Limits of supply.

31. The limits of this Act for the supply of water (in this Act referred to as "the limits of supply") shall be the parishes of Barcomb Chailey East Chiltington Newick Plumpton and Saint John (Without) in the district together with the parish of Hamsey (except that part thereof which prior to the East Sussex Review Order 1934 was comprised within the detached part of the parish of Saint John (Without)).

Supply of water.

32. Subject to the provisions of this Act the provisions of the Public Health Acts shall apply to the supply of water by the Council within the limits of supply.

Limit of pressure.

33. The water supplied by the Council need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is taken.

Amendment of section 35 of Waterworks Clauses Act 1847.

34. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Council 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.

35.—(1) When the Council are in a position to supply water by means of the works by this Act authorised they shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Public Health Acts to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at a rate per annum not exceeding fifteen per centum upon the gross value of the premises so supplied :

A.D. 1934.

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Rates for supply of water for domestic purposes.

Provided that the Council shall not be required to supply any premises with water at a less sum than twenty-five shillings per annum.

(2) The gross value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or by any alterations in or additions to such list made during such period. Provided that in the case of a newly erected or a newly constructed dwelling-house or part of a dwelling-house which first comes into occupation after the commencement of any quarter for which a rate accrues and which is not at the time of demand in the valuation list the gross value of such dwelling-house or part of a dwelling-house shall be estimated by the Council and in case of dispute as to the amount of the estimate the same shall be ascertained by a court of summary jurisdiction. Provided also that where the water rate is chargeable on the gross value of a part only of any hereditament entered in the valuation list such gross value shall be a fairly apportioned part of the gross 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 charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding ten shillings per annum and in respect of every fixed bath beyond the first (for which no additional charge shall be made) capable of containing not more than seventy-five gallons and in respect of every bath having an emptying aperture and capable

A.D. 1934. of containing more than twenty gallons but not more than seventy-five gallons a sum not exceeding twenty shillings per annum and in respect of every bath capable of containing more than seventy-five gallons such sum as the Council may think fit.

(4) Any sums charged under subsection (3) of this section shall be recoverable at the like dates and in the same manner as other water rates leviable by the Council under this section can be recovered.

Rates payable by owners of small houses.

36.—(1) Where the net annual value of a house does not exceed fifteen pounds or the 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 Council so determine pay the rate for the supply but the rate may be recovered by the Council from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under this section by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the commencement of this Act.

Supply by meter.

37.—(1) The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates.

(2) Provided always that no persons 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.

38.—(1) The Council shall not be bound to supply with water otherwise than by meter— A.D. 1934.

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade business or manufacturing purpose for which water is required;
- (b) any hospital (whether public or private) or sanatorium;
- (c) any club hotel assembly hall restaurant public-house inn or common lodging-house;
- (d) any boarding house or public institution capable of accommodating at least twelve persons including the persons usually resident therein; or
- (e) any school.

Supply to
houses
partly used
for trade
&c.

(2) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the Council to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by or in pursuance of this Act.

(3) If the owner or occupier of any farm premises within the limits of supply desires a supply of water for farming purposes and lays the necessary communication pipe from such premises to a main of the Council the Council shall if and so long as the arrangements for taking and using such supply are approved by the Council 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 Council shall not be required to supply water under this section at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply.

(4) The minimum quarterly charge (exclusive of meter rent) for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a

A.D. 1934. supply of water for domestic purposes to a dwelling-house of the same gross value.

Charges for supply by hosepipes.

39.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or other premises where horses carriages or motor cars are kept the Council may if a hosepipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding thirty 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.

(2) Any sums chargeable under this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(3) Where water supplied by the Council 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 hosepipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Council may if they think fit require that all water so used by means of such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

Charges for supplies for refrigerating apparatus &c.

40. Where a person who takes a supply of water otherwise than by meter from the Council desires to use water for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water or for or in connection with any apparatus used for softening water which requires water for cleaning cooling regenerating or for motive power or similar purposes the Council shall be entitled to require that all water so used shall—

(a) be taken by meter and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

(b) be paid for at such rates as may be agreed between the consumer and the Council.

41.—(1) Notwithstanding anything in any Act relating to the Council a person shall not be entitled to demand or continue to receive from the Council a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Council to take a supply of water by meter and to pay to the Council 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 Council 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.

A.D. 1934.

Special
terms for
supplies to
caravans &c.

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

42. The price to be charged by the Council for a supply of water by meter shall not exceed four shillings per thousand gallons Provided that except as by this Act otherwise expressly provided the Council shall be entitled to charge a minimum sum of fifteen shillings in any quarter of the year for water supplied by meter.

Price of
water sup-
plied by
meter.

43. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purposes of determining the amount of the water rate chargeable by the Council in respect of any supply of water for domestic purposes furnished by the Council to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a gross value (within the meaning of the section

As to gross
value of two
or more
houses in
one occupa-
tion.

A.D. 1934. of this Act of which the marginal note is "Rates for supply of water for domestic purposes") equal to the aggregate gross values of the separate houses or buildings or parts of houses or buildings so occupied.

Revision of water rates.

44.—(1) The Minister shall within six months after the expiration of five years from the passing of this Act review the rates and charges for the supply of water which the Council are by this Act authorised to charge and may within the said period if he thinks fit by order vary either by way of increase or decrease such rates and charges or any of them.

(2) The Minister may if he thinks fit from time to time on the application of the Council or of twenty consumers of water supplied by the Council by order vary either by way of increase or decrease the rates and charges for the supply of water which the Council are by this Act authorised to charge. Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will provide a reasonable sum as a contribution towards a reserve fund in respect of the water undertaking so long as such fund does not amount to the maximum prescribed in relation to that fund in pursuance of the section of this Act of which the marginal note is "Application of revenue of undertakings &c."

(3) Any order made by the Minister in pursuance of the foregoing provisions of this section may provide for the alteration of the basis of the rates and charges for the supply of water which the Council are for the time being authorised to charge and may fix the date upon which any such variation as is referred to in subsections (1) and (2) of this section or any such alteration as is referred to in this subsection shall come into force.

(4) In the absence of exceptional reasons the Minister shall not vary the rates and charges which the Council are for the time being authorised to charge at less intervals than five years.

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

45.—(1) Any water rate or charge payable to the Council may be collected together with the general rate.

(2) The Council may demand water rates and charges 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 same shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively. A.D. 1934.

(3) If the Council exercise the powers of subsection (2) of this section—

(a) every person liable to the payment of such rate or charge who shall cease to occupy the premises in respect of which the rate is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he ceases to occupy the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Council. The water rate or charge or any part thereof respectively payable by any such person in respect of any such premises and unpaid when he ceases to occupy the same shall become payable and be recoverable immediately upon his ceasing to occupy such premises;

(b) every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

(4) (a) The Council 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 Council 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.

A.D. 1934.

(c) If and so long as the Council allow such discount notice of the effect of this enactment shall be endorsed on every demand note for water rates and charges.

Byelaws for preventing waste &c. of water.

46.—(1) The Council may make byelaws—

(a) for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature material 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; and

(b) as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Such byelaws shall apply only in the case of premises to which the Council afford or are prepared on demand to afford a constant supply of water.

(3) Nothing in this section or in any byelaw made thereunder shall apply to any water fittings used on any premises (not being or being used as a hotel or dwelling-house) belonging to and forming part of the railway of a railway company.

(4) In case of failure of any person to observe such byelaws as are for the time being in force the Council 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 Council as the water rates in respect of the premises are recoverable.

(5) Any person who shall forge or counterfeit any stamp or mark used by the Council or by the authority

of the Council for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

A.D. 1934.
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47. The Council may require that any dwelling-house the erection of which is commenced after the passing of this Act and situate on land at a higher level than fifty feet below any part of the service reservoir from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Council shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Cisterns to be provided for high level supplies.

48. The Council may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the limits of supply for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing food or drink for the use of man.

Cleansing of cisterns.

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

Stop-cocks &c. to be fitted in communication pipes.

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

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

Extension
of power
to inspect
premises.

50. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the Council or any person duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Council 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 either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Mainte-
nance of
common
pipe.

51. When several houses or other premises or parts of houses or other premises 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 other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective

proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council. A.D. 1934.
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52.—(1) The Council shall not be bound to supply with water 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.

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

53.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain or repair any pipe or apparatus used for the supply of water from the waterworks of the Council the person liable to maintain or repair the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes subject nevertheless to the conditions imposed by those sections. As to communication pipes.

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

54. If in the opinion of the Council 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 Council are not under obligation to maintain it shall Power to Council to repair communication pipes.

A.D. 1934. — be lawful for the Council 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 Council 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 Council in like manner as the water rates in respect of the premises are recoverable. Provided that (except in emergency) the Council 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.

Council to connect communication pipes with mains.

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

Power to sell meters.

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

Injuring meters &c.

57.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fitting belonging to the Council 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 Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. A.D. 1934.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fitting belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council 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 ensuring 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 Council by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fitting is 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 fitting.

58.—(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 Council. As to register of meters.

(2) Provided that if the Council 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

A.D. 1934. — any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(3) If any meter used by a consumer of water be proved to register erroneously such erroneous registration shall be deemed to have first arisen at the beginning of the then current quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Council.

Notice to Council of connecting or disconnecting meters.

59. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council 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 Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice of discontinuance.

60. A notice to the Council 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 Council.

Power to supply water fittings.

61.—(1) The Council 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 Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the

landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof. A.D. 1934.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council 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 Council. 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 Council 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 borrowed for those purposes and all sums applied to sinking fund for repayment of money so borrowed);
- (b) When a demand note delivered by the Council to a consumer includes a sum charged by the Council 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 Council 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.

A.D. 1934.

(5) Any payment due to the Council for the sale or hire of such fittings or materials or for executing such work may be recovered summarily as a civil debt provided the amount thereof does not exceed twenty pounds.

Penalty for interfering with valves &c.

62. 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 Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council 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.

Penalty for closing valves and apparatus.

63. Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable on conviction to a penalty not exceeding five pounds and the Council 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.

Power to remove meters and fittings.

64. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the waterworks engineer or some other officer of the Council to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove

every such pipe meter and fitting repairing all damage caused by such entry or removal. A.D. 1934.

65. The Council may enter into and carry into effect agreements with any local authority body company or person for the supply of water beyond the limits of supply to any such authority body 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 :

Contracts for supplying water in bulk.

Provided that such supply shall not be given except with the consent of any authority body company or person supplying water under parliamentary authority within the area to be supplied and (except in the case of any such supply given to the Burgess Hill Water Company) 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 limits of supply.

66. The Council may enter into and carry into effect agreements with any local authority body company or person supplying water under parliamentary authority and with the approval of the Minister in the case of any water intended for domestic consumption with any other local authority body company or person for the purchase of water in bulk by the Council 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 Council for the purposes of the water undertaking.

Purchase of water in bulk.

PART V.

FINANCIAL.

67.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority 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 they shall pay off all moneys so borrowed within such periods as the Council may determine not exceeding the respective

Power to borrow.

[Ch. lxxiii.] *Chailey Rural* [24 & 25 GEO. 5.]
District Council Act, 1934.

A.D. 1934. periods mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
	£	
(a) The purchase of lands which the Council are authorised to acquire by the section of this Act of which the marginal note is "Power to acquire lands."	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) The construction of the waterworks authorised by this Act.	8,880	Forty-five years from the date or dates of borrowing.
(c) Water mains and other waterworks purposes.	29,720	Forty years from the date or dates of borrowing.
(d) Working capital for the water undertaking.	1,000	Ten years from the date or dates of borrowing.
(e) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Application of Act of 1933 to existing sinking funds.

68. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Council for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Council shall make such adjustments of any existing funds as may be proper.

Use of moneys forming

69. Notwithstanding anything contained in this or any other Act the Council 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 :—

A.D. 1934.
—
part of sink-
ing and
other funds.

- (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 Council shall repay to the lending fund the moneys so used or 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) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Council 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 repayment of interest on a loan raised under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used :
- (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.

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Closing of
registers.

70. The Council may close any transfer books or the registers of transfers of mortgages or other securities of the Council as the case may be on any day not more than thirty days next before the date on which an instalment of interest on such mortgages or other securities is payable but so that the books be not at any time kept closed for more than one month.

Receipts
and ex-
penses.

71.—(1) Notwithstanding anything contained in any enactment all money received by the Council whether on capital or revenue account including (but without prejudice to the generality of this provision)—

- (a) all money received by the Council on account of the water undertaking and any other undertaking of the Council as from time to time existing from which revenue is derived;
- (b) interest and other annual proceeds from time to time received by the Council on the investments or balances forming part of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingency insurance or other similar fund; and
- (c) all money received by the Council in respect of the special services;

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Council in respect of any of the said undertakings or the special services or in carrying into execution the powers and provisions of this or any other Act (including interest on moneys borrowed by the Council and all sums required by law to be paid or transferred or which the Council may determine to pay apply or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund:

Provided that in the accounts of the Council—

- (i) an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited to the fund on the investments of which the same is received;
- (ii) an amount equivalent to the money received by the Council in respect of the special

services shall be credited to and an amount equivalent to the payments and expenses made and incurred by the Council in respect of the special services shall be debited against the specified parishes. A.D. 1934.

(2) Nothing in this section shall authorise the Council to apply capital money to any purpose other than a purpose to which capital money is properly applicable or to levy any rate other than a special rate to meet expenses incurred in respect of special services.

72.—(1) The Council 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 Council as from time to time existing (each of which is in this section separately referred to as "the undertaking") and in respect of each of the special services on the one side all receipts in respect of the undertaking (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the last preceding section of this Act authorised in connection with the undertaking) or special service and on the other side all payments and expenses in respect of the undertaking or special service such payments and expenses being divided so as also to show in each case the amounts representing—

Accounts of undertakings and special services.

- (a) The working and establishment expenses and cost of maintenance of the undertaking or the provision of the special service;
- (b) The interest on moneys borrowed by the Council for the purposes of or connected with the undertaking or special service;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of or connected with the undertaking or special service;
- (d) In the case of the water undertaking the repayment to the rate or fund out of which any deficiencies in the water undertaking in previous years may have been contributed of the amount of such deficiencies;

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- (e) All other expenses (if any) of the undertaking and special service properly chargeable to revenue; and
- (f) Any money expended on or applied for any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings &c."

(2) Whenever the money received by the Council from the water undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Council for the supply of water to be made and charged in the next succeeding year shall be reduced in such manner as the Council think fit to an extent equivalent to the amount of such excess. Provided that if owing to an increase in the estimated expenditure or to a reduction in the estimated revenue for the said next succeeding year the amount of such excess or any part thereof will be required in order that the revenue may not be less than the amount to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess.

(3) Whenever the amount expended or set aside in connection with the water undertaking in respect of the several purposes mentioned in subsection (1) of this section shall exceed the money received by the Council from the water undertaking the amount of such excess shall be defrayed—

- (a) during any financial year ending prior to the first day of April nineteen hundred and forty as general expenses;
- (b) during any financial year ending after the first day of April nineteen hundred and forty in the manner directed by the Public Health Acts with respect to special expenses incurred in the execution of those Acts by a rural sanitary authority and as if the parishes and parts of parishes comprised within the limits of supply and any other parish or part of a parish which may from time to time be supplied by the Council with water by means of the works

authorised by this Act (or if the Council by resolution so determine so much of the district as consists of areas which were comprised within the district on the first day of January nineteen hundred and thirty-four) were the contributory place on which such expenses were charged. Provided that nothing in this paragraph shall prejudice or affect the operation of section 190 of the Act of 1933.

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(4) The Council shall show in their accounts relating to any undertaking or special service 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 special service.

(5) In all cases in which the Council 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.

73.—(1) If in any year the moneys received by the Council on account of the revenue of any undertaking of the Council as from time to time existing (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" and as is authorised in connection with the undertaking) or special service shall exceed the moneys paid applied or expended by the Council in respect of that undertaking or special service for the several purposes mentioned in paragraphs (a) (b) (c) and (e) of subsection (1) of the section of this Act of which the marginal note is "Accounts of undertakings and special services" the Council may in respect of that year (if they think fit) apply out of the general rate a sum not exceeding the amount of such excess to any of the following purposes:—

Application
of revenue
of under-
takings &c.

(a) In reduction of capital moneys borrowed for the purposes of the undertaking or special service;

(b) In the construction renewal extension or improvement of the works and conveniences for

A.D. 1934.

the purposes of the undertaking or special service;

- (c) In providing a reserve fund in respect of each of the undertakings or for any special service in respect of which moneys may have been borrowed by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used under the provisions of the section of this Act of which the marginal note is "Use of "moneys forming part of sinking and other "funds") investing the same in statutory securities until the reserve fund so provided amounts to the maximum for the time being prescribed by the Council but not exceeding a sum equal to one-tenth of the aggregate capital expended for the time being upon that undertaking or special service.

(2) The Council shall in every year so long as any reserve fund provided under this section is less than the maximum prescribed thereunder transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Council in respect of or on investments forming part of the reserve fund and carried to the general rate fund:

Provided that the powers referred to in paragraphs (a) and (b) of subsection (1) of this section shall not be available in the case of the water undertaking.

Provisions
as to re-
serve funds
&c.

74.—(1) Any reserve fund formed under paragraph (c) of subsection (1) of the section of this Act of which the marginal note is "Application of revenue of undertakings &c." shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or special service in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking or special service 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.

(2) Resort may be had to any such reserve fund although such fund may not at the time have reached or may have been reduced below the prescribed maximum. A.D. 1934.
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(3) When under the provisions of this Act or of any other Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a reserve renewals or repairs fund they may (in addition to any other powers for the time being vested in them) invest such fund and the interest on the investments of such fund in statutory securities.

75.—(1) If in any year the accounts of the special services kept under the section of this Act of which the marginal note is "Accounts of undertakings and special services" shall show that the revenue of any of the special services in respect of that year (including the interest and other annual proceeds received by the Council in respect of that year on the investments forming part of any reserve fund established in connection with that special service) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes mentioned in paragraphs (a) to (f) of subsection (1) of the last-mentioned section then such amount of the said excess as the Council may think fit shall be deemed for the purposes of that section to be the revenue of the said special purpose for the next following year and the said amount shall be carried forward in the said accounts to the credit of the specified parishes in the said year. Provisions as to excess or deficiency of revenue for special services.

(2) If in any year the accounts of the special services kept under the last-mentioned section of this Act shall show that the revenue of any of the special services in respect of that year (including the interest and other annual proceeds received by the Council in respect of that year on the investments forming part of any reserve fund established in connection with that special service) has been less than the total amount of the payments and expenses in respect of the year for the several purposes mentioned in paragraphs (a) to (e) of subsection (1) of the last-mentioned section then the amount of the deficiency shall (subject to the provisions of section 190 of the Act of 1933) be carried forward in the said

A.D. 1934. — accounts to the debit of the specified parishes in the next following year.

Date of operation of certain sections. **76.** The sections of this Act of which the marginal notes are—

- “ Receipts and expenses ”;
- “ Accounts of undertakings and special services ”;
- “ Application of revenue of undertakings &c.”;
- “ Provisions as to reserve funds &c.”;
- “ Provisions as to excess or deficiency of revenue for special services ”;

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-four.

PART VI.

MISCELLANEOUS.

Recovery of rate from persons removing. **77.** If a justice is satisfied on complaint by any rating officer that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate or water rate or charge which may be due from him and intends to evade payment of the same by departing from the district the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rating officer or other authorised officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Authentication and service of notices &c. **78.**—(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 district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council 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 district 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. A.D. 1934.

79. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council 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 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. Evidence of appointments authority &c.

80. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister. As to bye-laws.

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

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

83. Where the payment of more than one sum by any person is due under any Act or Order relating to the Council any summons or warrant issued for the purposes of any such Act or Order in respect of that Several sums in one summons.

A.D. 1934. — person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Recovery of penalties &c.

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

Penalties to be paid over to treasurer.

85. All penalties recovered on the prosecution of the Council or any officer of the Council 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 Council shall direct.

Saving for indictments &c.

86. 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.

Application of section 265 of Public Health Act 1875.

87. 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.

Judges not disqualified.

88. 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.

Inquiries by Minister.

89. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

[24 & 25 GEO. 5.] *Chailey Rural* [Ch. lxxiii.]
District Council Act, 1934.

90. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

A.D. 1934.

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Powers of
Act cumula-
tive.

91. 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 Council out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose and such portion as the Council think fit of the loan charges payable in respect of the moneys raised for the purposes of this section shall be debited to the water undertaking.

Costs of
Act.

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