



CHAPTER xcvi.

An Act for incorporating the Bexhill Water and Gas Com-
pany and conferring powers on them with reference to
the Construction of Works the Supply of Water and
Gas; and for other purposes. [16th July 1885.]

A.D. 1885.

WHEREAS the parish of Bexhill in the county of Sussex is at present inadequately supplied with water and insufficiently lighted and it is expedient that provisions be made for affording an adequate supply of pure and wholesome water sufficient for the purposes of the inhabitants of and for effectually lighting the said parish:

And whereas the persons in that behalf in this Act named with others are willing at their own expense to undertake the supplying with water and the lighting of the said parish on being incorporated into a Company with adequate powers for the purpose and it is expedient that they be incorporated accordingly and authorised to construct waterworks and gasworks as by this Act provided and that such other powers as are in this Act contained be conferred on the Company for the better and more effectually carrying the purposes of the undertaking into effect:

And whereas it is expedient that provision be made for authorising the sale and transfer of the undertaking waterworks gasworks property rights powers privileges and authorities of the Company to the local board for the district of Bexhill in the county of Sussex (in this Act called the local board) and that the local board be authorised subject to the provisions of this Act to raise and apply money for the purposes of any such sale and transfer and to carry into effect the provisions of this Act:

And whereas by the Hastings and Saint Leonards Gas Act 1854 the Hastings and Saint Leonards Gas Company were incorporated and empowered to supply with gas (amongst other places) the said parish of Bexhill but that company have never supplied gas in that parish and it is expedient that their powers to do so in the portion

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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 :

Short title. 1. This Act may be cited as the Bexhill Water and Gas Act 1885.

Incorporation of general Acts. 2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Waterworks Clauses Acts 1847 and 1863 the Gasworks Clauses Act 1847 the Gasworks Clauses Act 1871 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied by this Act) incorporated with and form part of this Act : Provided that the incorporated provisions of the Railways Clauses Consolidation Act 1845 shall apply only to the reservoir by this Act authorised.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :—

The expression "the Company" means the Company incorporated by this Act ;

The expressions "the waterworks" and "the water undertaking" respectively mean and include the waterworks and the works connected therewith and the water undertaking by this Act authorised ;

The expressions "the gasworks" and "the gas undertaking" respectively mean and include the gasworks and works connected therewith and the gas undertaking by this Act authorised; A.D. 1885.

And for the purposes of this Act—

The expression "railway" in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act means the reservoir by this Act authorised and the expression "centre of the railway" in those provisions means any part of such reservoir and the prescribed limits shall be fifty yards from any part of such reservoir;

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

4. The limits of this Act for the supply of water and gas shall be the parish of Bexhill in the county of Sussex: Provided that if the Company shall not have made adequate provision for the supply of water in the said parish within five years from the expiration of the period herein-after limited for the completion of the works the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of such parish. Limits of Act.

5. The Right Honourable Reginald Windsor Earl De La Warr, John Alexander Mainley Cope, Alfred Buckley and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purposes herein-after mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Bexhill Water and Gas Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Company incorporated.

6. The Company shall be established for the purpose of making and maintaining the waterworks and gasworks and for supplying water and gas within the limits of this Act and for manufacturing gas and for converting or utilising and distributing materials used in and about the manufacture of gas and residual products resulting General purposes of the Company.

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from such manufacture and for dealing in selling and disposing of gas lime coke tar and other residual products matters and things and for carrying on the business usually carried on by water and gas companies and for manufacturing purchasing and hiring and supplying meters fittings and other apparatus and generally for carrying the powers of this Act into execution.

Capital and number and amount of shares.

7. The capital of the Company shall be twenty-four thousand pounds in two thousand four hundred shares of ten pounds each.

Shares not to be issued until one-fifth part thereof shall have been paid up.

8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts in case of persons not sui juris.

10. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

11. The Company may from time to time borrow on mortgage of the water and gas undertakings collectively any sum not exceeding in the whole six thousand pounds but no part thereof shall be borrowed until the whole capital of twenty-four thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

As to conversion of borrowed

12. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof

by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum. A.D. 1885.
money into capital.

13. The mortgagees of the water and gas undertakings may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than six hundred pounds in the whole. For appointment of a receiver.

14. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages. Power to create debenture stock.

15. All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company. Moneys borrowed on mortgage or debenture stock to have priority.

16. All moneys raised by the Company under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable. Application of moneys.

A.D. 1885. **17.** The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

First and subsequent meetings.

Number of directors. **18.** The number of the directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors. **19.** The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum of directors. **20.** The quorum of a meeting of directors shall be three when the number of directors exceeds three and two when the number is three.

First directors. **21.** The Right Honourable Reginald Windsor Earl De La Warr, John Alexander Mainley Cope, Alfred Buckley and two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Auditors need not hold shares. **22.** It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Power to take lands. **23.** Subject to the provisions and for the purposes of this Act the Company may enter upon take and use all or any of the lands defined on the deposited plans and described in the deposited book of reference.

24. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections and in and upon the lands described upon such plans the works herein-after described and may do the things by this Act authorised. The works herein-before referred to and by this Act authorised to be made and maintained and the things by this Act authorised to be done comprise the following works wholly situate in the said parish of Bexhill and things (that is to say):—

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Power to
make water-
works.

- (A) A well and pumping station with pumping engine boiler-house and all other necessary works buildings and conveniences situate in a strip of land or enclosure adjoining and on the southern side of the road leading from Sidley to Saint Leonards and bounded on the south by Wrest Wood and numbered 744 on the $\frac{1}{2500}$ Ordnance map of the said parish of Bexhill;
- (B) An aqueduct conduit or line of pipes commencing at the said well and pumping station and terminating in the reservoir next herein-after described;
- (C) A service reservoir to be situate in the north-western corner of the said wood called or known as Wrest Wood and numbered 720 on the $\frac{1}{2500}$ Ordnance map of the said parish of Bexhill;
- (D) In connexion with the reservoir and waterworks or any of them to make and maintain and from time to time renew embankments walls dams filtering beds sluices catch-pits channels pipes wells tanks engines buildings machinery roads approaches and other works and conveniences connected therewith or incidental thereto;
- (E) The taking collecting diverting impounding and using the waters of all or any of the underground springs streams and waters which can or may be taken collected or abstracted by means of the said waterworks or as may be found in or under any of the lands to be acquired under the powers of this Act.

25. In making the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and the Company may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any extent not exceeding five feet: Provided always that the Company shall not in the exercise of the powers of lateral deviation hereby conferred upon them construct any embankment or retaining wall of the reservoir by this Act authorised of a greater height above the general surface of the ground than the height of the corresponding embankment or retaining wall shown on the deposited sections.

Lateral and
vertical
deviation.

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Period for compulsory purchase of lands.

Power to acquire additional lands by agreement for waterworks purposes.

Provision as to labouring class houses.

Period for completion of works.

Power to take easements &c. by agreement.

26. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years after the passing of this Act.

27. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act in connexion with the waterworks from time to time by agreement purchase in fee any additional quantity of land not exceeding in the whole five acres or any easement or right (not being an easement or right of water) in or over such additional lands which they may from time to time think requisite for any of the purposes of the water undertaking: Provided that the Company shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their water undertaking.

28. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

29. If the waterworks authorised by this Act and shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging altering or renewing any of their engines machinery mains or pipes from time to time as occasion requires for supplying water within the limits of this Act.

30. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the

Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1885.

31. On the sale by the Company of any lands they may reserve to themselves all or any part of the water or 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 use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit. Reservation of water rights &c. on sale.

32. Except as herein-after otherwise expressly provided the water to be supplied by the Company shall be constantly laid on under pressure but the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken and where water is supplied by the Company at a pressure greater than that to be afforded by gravitation from the reservoir by this Act authorised the water need not be constantly laid on under pressure. Constant supply and pressure.

33. The Company shall at the request of any owner or any occupier of any dwelling-house or part of a dwelling-house in any street in which any pipe of the Company shall be laid or on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at rates not exceeding the rates herein-after specified according to the rateable value of such dwelling-house or part of a dwelling-house (that is to say):— Rate at which water is to be supplied for domestic purposes.

Where the rateable value of the premises so supplied with water shall not exceed seven pounds at a rate not exceeding two pence per week;

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

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

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

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

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

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

Rates for
waterclosets
and private
baths.

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond the first the sum of five shillings per annum and to every bath the sum of ten shillings per annum :

Provided that the Company shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water rate rent or charge is paid for the whole of such dwelling-house and premises. For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor.

For prevent-
ing the
fouling of
water.

34. The Company shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Power to
Company
to supply
water for
other than
domestic
purposes and
by measure.

35. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes : Provided that such supply for other than domestic purposes do not interfere with the supply for domestic purposes.

Regulations
for prevent-
ing waste of
water.

36. For the purpose of preventing the waste or misuse or contamination of water the Company may from time to time by regulations prescribe the size nature materials workmanship and strength of the pipes cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus or receptacles whatsoever to be used and may forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or misuse or contamination.

Confirmation
of regula-
tions.

37. No such regulations shall be of any force or effect in any part of the district in which the Company is not bound to afford and does not afford a constant supply nor unless and until the same

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shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same : And no such regulation shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulation shall have been given by or on behalf of the Company to the local authorities within the limits of supply who may within the said period of one month make such representation with reference thereto to the Local Government Board as such authorities shall think expedient and during such period a copy of the proposed regulations shall be kept at the office of the Company and be open during office hours to the inspection of all persons locally interested without fee or reward and a copy thereof or extracts therefrom shall be furnished to such persons by the Company on payment of sixpence for every one hundred words contained in such copy or extract.

38. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company. All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Publication
of regula-
tions.

39. A printed copy of any such regulations as aforesaid and purporting to be made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

Evidence of
regulations.

40. In the event of any such regulations not being complied with by any person being or about to become a customer of the Company they may refuse to supply water or (as the case may be) may cut off the water supplied by them to him (notwithstanding any contract or otherwise) until the regulations are complied with : Provided that except in cases of accident emergency or necessary repairs the Company shall not under this provision cut off the water supplied to any customer of the Company until after he has had twenty-four hours notice in writing from the secretary or other officer of the Company of the intention of the Company to cut off the same and notwithstanding such notice he shall have refused or neglected to comply with such regulations.

For en-
forcing regu-
lations.

41. In the event of any dispute between the Company and any customer or intending customer as to the fact or extent of any alleged non-compliance with any such regulations such dispute shall

Disputes to
be deter-
mined by
justices.

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be referred to the determination of two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and by whom such costs are to be paid shall be final and conclusive.

Company
may repair
pipes of
customer.

42. Where any person supplied with water by the Company after twenty-four hours notice in writing under the hand of the secretary or other officer of the Company to alter or repair any pipe valve cock cistern or other apparatus in order that the water supplied to him by the Company shall not be wasted fails to alter or repair the same so as to prevent such waste the Company may alter or repair the same and their expenses in so doing shall be repaid to them by the person so failing as aforesaid and the Company may recover the same as damages and in addition to the penalty (if any) recovered for the offence.

Company's
officer may
enter build-
ings.

43. The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water by the Company in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

For prevent-
ing frauds
and waste of
water.

44. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act or wilfully fails to do anything which under this Act ought to be done for the prevention of waste misuse or undue consumption of water the Company may cut off the water supplied by them to him as long as the cause of injury remains or is not remedied and also may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

Company
not bound
to supply
water in
certain cases.

45. The Company shall not be compelled to supply any dwelling-house with water (otherwise than by agreement) where any part of such dwelling-house is used for any manufacturing purposes for which water is required.

Power to
erect and
maintain
gasworks

46. Subject to the provisions of this Act the Company may from time to time on the lands described in the schedule to this Act or on any part thereof erect make maintain alter improve enlarge extend

renew or discontinue retorts gasholders receivers purifiers drains sewers mains pipes meters apparatus works and conveniences for the manufacture and storing of gas and coke and other residual products obtained in the manufacture of gas and matters producible therefrom and may make and store gas and may manufacture convert store sell provide supply and deal in coke tar pitch ammoniacal liquor and all other products and residuum of any materials employed in or resulting from the manufacture of gas and matters producible therefrom and also meters fittings tubes pipes burners and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit and may also from time to time erect fit up maintain and let houses cottages and dwellings for the officers and servants employed by the Company for the purposes of their gas and water undertakings.

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—
and manu-
facture and
store gas
on lands in
schedule.

47. The Company as they from time to time think fit may manufacture purchase provide supply sell let for hire use and otherwise deal in fittings engines stoves ranges pipes and other apparatus and appliances for lighting for motive power for the warming and ventilating of houses and buildings the cooking of food and for all other purposes for which gas can or may be used: And such letting for hire may be for such remuneration in money and on such terms with respect to the repair of articles and fittings let and for securing the safety and return to the Company of such articles and fittings and otherwise as may be agreed upon between the hirer and the Company.

Power to
supply gas
fittings &c.
for heating
and other
purposes.

48. Subject to the provisions of this Act the Company may (but only for the purposes of the Company within their limits of gas supply and not so as to acquire an exclusive right therein) contract for take and use any leave license or authority to work use exercise or put in practice any invention under any letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture or distribution of gas or the conversion manufacture or utilisation of the products obtained from the manufacture of gas or the materials used therein or in relation to the manufacture of meters and other fittings and apparatus in which the Company are authorised in any way to deal.

Power to
take licenses.

49. The Company may for the purposes of their gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act any lands and hereditaments within their limits of gas supply not exceeding in the whole five acres which the Company may from time to time require for those purposes but no lands shall be used by the Company for

Power to
purchase
lands by
agreement.
Gas not to
be manu-
factured
except on
lands sche-
duled.

A.D. 1885. the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Power to lay pipes against buildings.

50. The Company with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Limiting the price of gas.

51. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed six shillings per one thousand cubic feet.

Pressure of gas.

52. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch and from sunset to midnight not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to the testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

53. The prescribed number of candles shall be fifteen.

Testing place.

54. Within one year from the time when the Company commence to supply gas under this Act a testing place shall be provided upon some part of the works or lands of the Company.

Burner.

55. The prescribed burner shall be Sugg's London argand burner number one consuming five cubic feet of gas per hour with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six inch by two-inch chimney shall be used.

Company to pay interest on money deposited as security for meter &c.

56. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such

security for every six months during which the same remains in their hands. A.D. 1885.

57. Before any person connects or disconnects any meter through which any of the water or gas of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to
Company of
putting up
meters &c.

58. Where water is supplied by measure the register of the meter shall be *prima facie* evidence of the quantity of water consumed.

Register of
meter to be
prima facie
evidence.

59. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water or gas supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also discontinue the supply of water or gas to the person so offending until the injury is remedied and the amount of the damage is paid notwithstanding any contract then existing and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *prima facie* evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter.

Fraudulently
injuring
meters &c.

60. In all cases in which the Company are authorised to cut off the pipe or stop or discontinue the supply of water or gas to any premises the Company their agents and workmen may for that purpose and after giving notice as herein-after provided enter into any premises through which such pipe or supply passes between the hours of nine in the forenoon and four in the afternoon.

Entry on
premises to
cut off
supply.

61. The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing under the hand of the secretary or other officer of the Company and shall be given or served in manner following (that is to say):—

Notice
before entry

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof and his usual place of abode be in England and be known to the

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Company then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in England or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry ;

And for the purposes of this section any person receiving the rack-rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Power for
Company to
supply ap-
paratus &c.

62. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the cost of providing such materials and executing such work shall be paid by the person requiring the same.

Incoming
tenant not
liable for
arrears.

63. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent gas rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Recovery of
sums due.

64. If any person fails to pay any water rent gas rent meter rent rate damages or costs due to or recoverable by the Company under this Act they may recover the same by proceedings in any court of competent jurisdiction or if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned) and any justice may issue his warrant accordingly and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent rate damages costs expenses or other sum.

Notice of
discontinu-
ance.

65. A notice to the Company from a consumer for the discontinuance of a supply of water or gas shall not be of any effect unless it be in writing and be left at the office for the time being of the Company.

Contracts for
supplying
water and
gas for
public pur-
poses.

66. The Company may from time to time enter into and carry into effect agreements with any sanitary authority company corporation public body officers or persons for the supply by the Company within the limits of this Act of water or gas to any such

sanitary authority company corporation public body officers or persons respectively whether in bulk or otherwise and for what purposes soever and the agreements respectively may be for such times and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit: Provided that such supply of water do not interfere with the supply of water for domestic purposes within the limits of supply. A.D. 1885.

67. The Company may run over and use for all or any purposes connected with their undertaking the railway siding situate in the field numbered 1204 on the $\frac{1}{2500}$ Ordnance map of the said parish of Bexhill on such terms and conditions as may be agreed on between the Company and the persons owning or working such railway siding or as in default of agreement may be settled by arbitration. Power to use railway siding.

68. The Hastings and Saint Leonards Gas Act 1854 so far as the same relates to the supply of gas to so much and such part of the said parish of Bexhill as is situate and lies to the westward of an imaginary straight line drawn from the sea in a direction due north and passing through the western side of the Bull Inn at Bulverhythe in the said county of Sussex is hereby repealed and from and after the passing of this Act all powers of the Hastings and Saint Leonards Gas Company with reference to the supply of gas in such part of the said parish shall absolutely cease and determine. Cesser of powers of Hastings and Saint Leonards Gas Company to supply gas in portion of Bexhill.

69. The Company may sell and transfer to the local board and the local board with the approval of the Local Government Board may purchase for such consideration to be paid or secured at such time and in such manner and generally on such terms as may be agreed on the water and gas undertakings of the Company including all rights and powers of the Company under this Act except their rights and powers relating to their share and loan capital all of which are herein-after included in the expression "the undertaking" and if the local board purchase the undertaking the same and any works connected therewith shall be deemed to be purposes of the Public Health Act 1875 and for the purpose of such purchase the local board may exercise the powers of borrowing conferred by that Act. Provisions as to sale of the undertaking of the Company.

70. The sale by the Company of their undertaking to the local board shall be carried into effect by a deed of transfer duly stamped (truly stating the consideration) and on the execution thereof by the Company the undertaking works property effects rights and powers of the Company so agreed to be sold shall by virtue thereof and of this Act become and the same shall thenceforth be transferred to and vested in the local board for all the estate and interest of the Company therein and such transfer and vesting is in this Act referred to Transfer of undertaking by deed.

A.D. 1885. as "the transfer": Provided always that within three months from the transfer the local board shall produce the said deed duly stamped to the Commissioners of Inland Revenue and in default of such production the stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of transfer shall be recoverable from the local board with full costs of suit and all costs and charges attending the same.

Receipt of directors a discharge.

71. The receipt of any three directors of the Company or of any two of such directors and the secretary for the purchase money of the undertaking indorsed on the deed of transfer shall be a sufficient discharge to the local board for the same and the local board shall not be bound to see to the application or be answerable for misapplication or non-application thereof.

Application of purchase money.

72. The Company shall hold the purchase money of their undertaking when paid and all other money for the time being belonging to them in trust to pay and discharge thereout all their debts and liabilities and to distribute the residue among the shareholders of the Company their executors administrators or assigns rateably and in proportion to their respective shares and interests in the undertaking and the directors of the Company may exercise all powers necessary for paying and discharging those debts and liabilities and distributing the assets and winding up the affairs of the Company.

Company's books evidence as to shareholders.

73. The persons who appear in the books of the Company to be proprietors of shares in the capital of the Company shall unless the contrary is proved to the satisfaction of the directors thereof be considered to be shareholders thereof for the purposes of the distribution of the Company's assets.

Receipts of executors of shareholders to be discharged.

74. The receipt of the executors or administrators of a shareholder in the Company shall be an effectual discharge to the Company and to the directors thereof for so much money as is therein expressed to be received and shall exonerate them from any obligation affecting the shares in respect of which such money is paid.

Power to directors to pay money into court.

75. Where the directors are for twelve months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of the undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given the directors may pay the same into the Chancery Division of the High Court of Justice in England under any Act from time to time in force for the relief of trustees.

Pending actions &c. by or against

76. If at the time of the transfer any action suit or proceeding is pending by or against the Company the same shall not abate or be

discontinued by reason of the transfer or of anything in this Act but the same may be continued and prosecuted by or against the local board as and when it might have been continued and prosecuted by or against the Company if this Act had not been passed but not further or otherwise without prejudice to any remedy over against the Company under any security given by them to the local board or otherwise. A.D. 1885.
the Com-
pany.

77. If at the time of the transfer any cause of action suit or proceeding is existing by or against the Company the same shall not be in anywise prejudicially affected by the transfer or by anything in this Act but the same may be enforced by or against the local board as and when it might have been enforced by or against the Company if this Act had not been passed but not further or otherwise without prejudice to any remedy over against the Company under any security given by them to the local board or otherwise. Causes of
action &c.
by or against
the Com-
pany.

78. When and as soon as the debts and liabilities of the Company have been paid and discharged and their assets have been distributed in manner aforesaid and their affairs have been wound up the Company shall be by virtue of this Act dissolved. Company to
be dissolved.

79. If and when any transfer be made of the undertaking to the local board then from and after the transfer all the rights powers authorities and privileges of the Company in relation to their undertaking under this Act shall be by virtue of this Act transferred to and vested in the local board and may subject to the provisions of this Act be enjoyed exercised and enforced by the local board and this Act shall be read and have effect as if the local board were therein named instead of the Company subject to the following exceptions and provisions:— Application
of Com-
pany's Act
to local
board.

- (1) The provisions of the Companies Clauses Consolidation Act 1845 and the Companies Clauses Act 1863 incorporated with this Act shall not apply to the local board;
- (2) The provisions of the Waterworks Clauses Act 1847 incorporated with this Act with respect to the amount of profit to be received by the undertakers where the waterworks are carried on for their benefit and the provisions of the Gasworks Clauses Act 1847 incorporated with this Act with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit shall not apply to the local board;
- (3) The provisions of this Act and of the Acts incorporated herewith relating to the constitution or capital or the dividends or the application of the profits of the Company shall not apply to the local board.

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Power to
local board
to borrow.

80. The local board from time to time under the authority of this Act in addition to any moneys they have borrowed or are authorised to borrow under any other Act may with the previous approval of and under and subject to such provisions as shall be sanctioned by the Local Government Board borrow at interest on mortgage of the water rates gas rents and other revenue of the local board arising from the undertaking when transferred to them and of their district fund and general district rate such sums as shall be necessary for purchasing the undertaking.

Mortgages
&c. to be
under pro-
visions of
Public
Health Act
1875 but
certain re-
strictions
not to apply.

81. Subject to the provisions of this Act the provisions of the Public Health Act 1875 with respect to mortgages by the local board shall apply to all money borrowed by the local board and all mortgages granted by the local board under this Act but the powers of borrowing money conferred by this Act shall not be restricted by any of the provisions of the Public Health Act 1875 and in calculating the amount which the local board may borrow under the Public Health Act 1875 any sums which they may borrow under the provisions of this Act shall not be reckoned.

Time for
which money
may be
borrowed.

82. All moneys borrowed or re-borrowed by the local board under the authority of this Act may be borrowed and re-borrowed for any term not exceeding fifty years from the date of the first borrowing of the same as shall be sanctioned by the Local Government Board and the local board shall under such provisions as shall be sanctioned by the Local Government Board pay off within the term aforesaid all money borrowed by them under this Act either by half-yearly or yearly instalments or by means of a sinking fund from time to time set apart and invested in securities authorised by law for investment by trustees and with the produce and accumulations thereof applied in that behalf.

Protection
of lender
from inquiry.

83. A person lending money to the local board shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or of any part thereof.

Power to re-
borrow.

84. If the local board pay off any part of any money borrowed by them under the powers of this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of surplus lands or out of fines or premiums on leases or other moneys received on capital account they may re-borrow the same and so from time to time: Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and any amounts from time to time re-borrowed shall be deemed to form the

same loan as the moneys in lieu of which such re-borrowing has been made and the obligations of the local board with respect to the repayment of such moneys by yearly or half-yearly instalments or by means of a sinking fund shall not be in any way affected by such re-borrowing. A.D. 1885.

85. All water rates gas rents or sums received by the local board for the supply of water or gas and all other receipts and credits on account of revenue of the waterworks and gasworks of the local board shall in each and every half year be applied as follows :— Application of water and gas revenue of local board.

First. In payment of the expenses properly chargeable to revenue of establishing conducting managing and maintaining the waterworks and gasworks and otherwise carrying on the water undertaking and gas undertaking of the local board ;

Secondly. In payment of the interest upon mortgages granted by the local board under the provisions of this Act ;

Thirdly. In from time to time providing the instalments or setting apart and appropriating the sinking fund required by this Act for paying off mortgages granted by the local board under the provisions of this Act as and when each such instalment or such sinking fund is required to be provided or set apart and appropriated ;

Fourthly. In maintaining the waterworks and gasworks ; and

Fifthly. In providing a reserve fund if the local board think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in such securities as they are for the time being authorised to invest their sinking fund in and accumulating the same at compound interest until the fund so formed shall amount to three thousand pounds. which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the local board from their waterworks undertaking and gasworks undertaking or to meet any extraordinary claim or demand at any time arising against them in respect thereof and so that if that fund be at any time reduced it may thereafter be again restored to the like sum and so from time to time ;

Any surplus revenue remaining after the purposes aforesaid are effected and after deducting thereout a reasonable sum for the purpose of carrying on the water undertaking and gas undertaking of the local board shall together with the income of the reserve fund when that fund shall have been made up to the prescribed amount be carried to the credit of the district fund of the local board.

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Separate
accounts.

Provision in
case of
deficiency of
waterworks
and gas-
works funds.

86. The local board shall keep separate accounts of receipts and expenditure on capital and revenue account under this Act.

87. If in any year the amount standing to the credit of the water and gas account and the reserve fund be insufficient for the payment of the charges thereon and the execution of this Act with respect to the waterworks and gasworks and the water supply and gas supply the deficiency shall be made up out of the general district rates by carrying an adequate sum therefrom to the credit of the water and gas account and the local board from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the district and in making such rate may include therein such sums respectively (if any) as in the judgment of the local board are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water and gas account and shall collect the same as part of such general district rates.

Audit of
accounts.

88. Sections 247 249 and 250 of the Public Health Act 1875 relating to the audit of accounts shall apply to the receipts and expenditure of the local board under this Act.

Annual
return to
Local
Government
Board with
respect to
sinking fund.

89. The clerk to the local board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the local board have failed to pay any instalment or to set apart the sum required by this Act for any sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local

Government Board may by order direct that a sum not exceeding double the amount in respect of which such default has been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice. A.D. 1885.

90. Nothing in this Act shall prejudicially affect any charge on the property of the local board and the funds and revenues of the local board by way of mortgage annuity or otherwise subsisting at the time of the transfer. Saving for existing charges.

91. All moneys borrowed by the local board under this Act shall be applied only to purposes to which capital is properly applicable. Application of moneys borrowed.

92. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent gas rent meter rent rate or charge under this Act. Liability to rents not to disqualify justices &c.

93. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums. Contents of summons &c.

94. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the cost of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress. Costs of distress.

95. Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative. Penalties not cumulative.

96. All costs charges and expenses of and incident to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company. Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

GAS LANDS.

A piece or parcel of land situate in the said parish of Bexhill 370 yards or thereabouts in length and 43 yards or thereabouts in width and containing by admeasurement 3 acres and 31 perches or thereabouts and situate adjoining and on the northern side of the London Brighton and South Coast Railway and forming portions of three fields numbered respectively 1,204 1,252 and 1,253 on the $\frac{1}{2500}$ Ordnance map of the said parish of Bexhill the western boundary of which piece or parcel of land will be 573 yards or thereabouts from and to the east of the bridge carrying the public road known as Sea Lane over the said London Brighton and South Coast Railway.

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