



CHAPTER cxvii.

An Act for incorporating the Crowborough District Water Company and empowering them to construct Works and supply Water and for other purposes. [15th July 1897.] A.D. 1897.

WHEREAS the several parishes and places in the county of Sussex in this Act mentioned are at present inadequately supplied with water and it is expedient that provision should be made for affording an adequate supply of pure and wholesome water thereto :

And whereas the persons in that behalf in this Act named with others are willing on being incorporated into a company with the necessary powers for such purpose to undertake to supply water to such parishes and places and it is expedient that they should be incorporated accordingly and authorised to construct waterworks as by this Act provided and that such other powers as are in this Act contained should be conferred on them for the better and more effectually carrying the purposes of this Act into effect :

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

[Ch. cxvii.] *Crowborough District Water* [60 & 61 Vict.]
Act, 1897.

A.D. 1897. — 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 Crowborough District Water Act 1897.

Incorporation of Acts. 2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act (namely) The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to roads and to the temporary occupation of lands near the railway during the construction thereof Provided that the provisions of the last-mentioned Act as incorporated in this Act shall apply only to the reservoirs by this Act authorised and that in construing such provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the said waterworks and the boundaries thereof and section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or the agent of such owner" were omitted therefrom.

Interpretation. 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 undertaking" respectively mean and include the waterworks and the works connected therewith and the undertaking by this Act authorised :

And for the purposes of this Act 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.

Company incorporated. 4. Albert Turner Thomas Colgate John Benjamin Horton and all other persons and corporations who have already subscribed to or

shall hereafter become proprietors in the undertaking and their 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 Crowborough District Water 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.

A.D. 1897.

5. The limits of this Act for the supply of water (herein-after referred to as "the limits of this Act") shall be so much of the parishes of Rotherfield and Withyham in the county of Sussex as lies south of a line drawn due west from the point where the main road from Tunbridge Wells to Crowborough enters the parish of Rotherfield at or near Eridge Green and so much of the parish of Buxted in the said county of Sussex as lies north of a line drawn due west from the point of junction of the boundaries of the parishes of Rotherfield Buxted and Mayfield at or near Little Forge.

Limits of Act.

6. If at any time after the expiration of four years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Company as if in either case there were no company authorised by this Act to supply water therein:

Power to local authority &c. to supply water in case Company fails to supply.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

7. The Company shall be established for the purpose of making and maintaining the waterworks and for supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and generally for carrying the powers of this Act into execution.

General purposes of the Company.

8. The capital of the Company shall be thirty thousand pounds in three thousand shares of ten pounds each.

Capital.

A.D. 1897.

Shares not
to be issued
until one
fifth paid.

9. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person 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.

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

Receipt in
case of per-
sons not sui
juris.

11. If any money is payable to a shareholder or mortgagee or debenture stock holder 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.

12. The Company may from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole seven thousand five hundred pounds Provided that in respect of every ten thousand pounds of the said capital of thirty thousand pounds issued and accepted one half whereof shall have been paid up the Company may borrow a sum not exceeding in the whole two thousand five hundred pounds but no part of any such respective sums of two thousand five hundred pounds shall be borrowed until the Company shall have completed the impounding reservoir (No. 1) by this Act authorised nor until shares for so much of the said portion of capital in respect of which it is to be borrowed are issued and accepted and one half of such portion of capital 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 shares for such portion of capital have 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 portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued bonâ fide and are held by the persons or corporations to whom the same were 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.

13. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares so created whether ordinary or preferential are limited to a rate not exceeding five per centum per annum.

A.D. 1897.

As to conversion of borrowed money into capital.

14. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. 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 be not less than seven hundred and fifty pounds in the whole.

For appointment of a receiver.

15. 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 the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

16. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act and the interest due thereon and the interest due on debenture stock created and issued under this Act shall have priority against the Company and the property for the time being of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company 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

Priority of mortgages over other debts.

A.D. 1897. purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

17. All moneys raised 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.

First ordinary meeting.

18. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

19. The number of directors shall be five but the Company may from time to time reduce and raise the number provided the number be not less than three nor more than five.

Qualification of directors.

20. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

21. The quorum at a meeting of directors shall be three.

First directors and election of directors.

22. Albert Turner Thomas Colgate John Benjamin Horton and two persons nominated by them shall be the first directors 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 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 being if they continue 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 directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at 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.

Auditors need not hold shares.

23. It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Contracts not to disqualify for office of director.

24. Any contract to be made under this Act with any local authority or public body shall not disqualify any of the members of such local authority or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money

to the Company but no director of the Company being a member of any such local authority or public body shall vote upon any question with reference to any contract with such local authority or public body nor shall any director of the Company vote upon any question with reference to any contract between him and the Company for any loan of money to the Company. .A.D. 1897.

25. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the waterworks herein-after described with all proper and necessary embankments filtering beds drains sluices catchpits conduits culverts channels wells cuts adits roads approaches telegraphs telephones and other means of electrical communication standpipes and hydraulic rams for high-level service and other apparatus engines works and conveniences connected with the said works or any of them or incidental thereto or necessary or convenient for inspecting maintaining cleansing repairing conducting or managing the same and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose. Power to
make water-
works.

The waterworks herein-before referred to and authorised by this Act are situate in the parish of Rotherfield in the county of Sussex and are—

- (1.) An impounding reservoir (No. 1) with a pumping station and filter beds to be situate upon or across the stream flowing down from Crowborough to Jarvis Brook to be formed by a dam or weir across the said stream situate at a point eight hundred yards or thereabouts measured in a north-westerly direction from the bridge carrying the railway from Uckfield to Tunbridge Wells over the road from Crowborough to Rotherfield at or near Crowborough Station :
- (2.) An impounding or storage reservoir (No. 2) with pumping engines situate upon or across the said stream and formed by a dam or weir across the same at a point on the said stream two hundred and sixty yards or thereabouts measured in a south-easterly direction from the dam or weir lastly herein-before described :
- (3.) A conduit aqueduct or line of pipes (No. 1) commencing in the said impounding reservoir (No. 1) and terminating in the service reservoir next herein-after described :
- (4.) A service reservoir (No. 3) situate in the inclosure No. 1350 on the $\frac{1}{2500}$ Ordnance map (edition of 1891) of the said parish of Rotherfield :

A.D. 1897.
—

- (5.) A conduit aqueduct or line of pipes (No. 2) commencing in the impounding reservoir (No. 1) and terminating at a point in the said road leading from Crowborough to Rotherfield where the same is joined by a new road now in course of construction at a point two hundred and seventy yards or thereabouts measured in a north-westerly direction along the said road from the above described railway bridge over the said road :
- (6.) A conduit aqueduct or line of pipes (No. 3) commencing at the point herein-before described as the termination of the conduit aqueduct or line of pipes (No. 2) and terminating in the high-service reservoir next herein-after described :
- (7.) A high-service reservoir (No. 4) situate in the field or inclosure No. 1116 on the $\frac{1}{2500}$ Ordnance map (edition of 1888) of the said parish of Rotherfield :
- (8.) A high-service water tower situate in the field or inclosure No. 1117 on the $\frac{1}{2500}$ Ordnance map (edition of 1888) of the said parish of Rotherfield and connected by a short aqueduct or line of pipes with the conduit aqueduct or line of pipes (No. 3) herein-before described at a point at or near its termination :
- (9.) A conduit aqueduct or line of pipes (No. 4) commencing at the point herein-before described as the termination of the conduit aqueduct or line of pipes (No. 2) and terminating in the village of Rotherfield at the junction of the road leading from Maynards Gate to Rotherfield with the road leading from High Gate through Rotherfield to Cottage Hill :
- (10.) A road commencing at or near the impounding reservoir (No. 1) and passing along the east bank or side of the said stream and terminating by a junction with the new road in course of construction herein-before mentioned at or near the eastern termination of the bridge carrying that road over the said stream :

Provided that the telegraphs telephones and other means of electrical communication constructed under the authority of this Act shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to
take and use
springs &c.

26. Subject to the provisions of this Act the Company may from time to time alter improve enlarge extend renew or discontinue all or any of the said works and may by way of supplement to the water supply to be obtained by means of the works authorised by this Act collect take impound and use all or any of the underground

springs and waters which can or may be collected or taken by means of the said pumping station and reservoirs or which may be found in or under any of the lands to be acquired by the Company under the powers of this Act. A.D. 1897.

27. In the construction of the works authorised by this Act and subject to the provisions thereof the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards but not so as to alter the surface level of any road or to raise any conduit or line of pipes above the surface of the ground except so far as may be shown on the deposited sections. Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition. Limits of deviation.

28. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

29. If the works authorised by this Act be not completed within four 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 otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from extending altering or renewing their works mains and pipes from time to time whenever it shall be necessary for the purpose of increasing or distributing the supply of water within their existing limits of supply. Period for completion of works.

30. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which others than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid. Power to owners to grant easements &c.

31. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands within their Purchase of land by agreement.

A.D. 1897. limits of supply not exceeding in the whole ten acres in extent or any easement (not being an easement of water in which others than the grantors have an interest) in over or under any such lands and may also purchase by agreement and hold any lands which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachment or injury and so long as any such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts But the Company shall not upon any such lands create or permit any nuisance and no buildings shall be erected on such lands except such as are required for or are connected with the purposes of the Company's waterworks and the Company shall not without the consent in writing of the Rotherfield Parish Council upon any land in the parish of Rotherfield acquired by them under this section exercise the powers vested in them by this Act in such a manner as to diminish the supply of water at Lord's Well Tub Well or Springfield Well.

Restriction
on taking
houses of
labouring
class.

32. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied :

For the purposes of this section the expression "labouring class" means and includes mechanics artisans 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 such persons who may be residing with them.

Company
may lease
&c. spare
lands of
undertaking.

33. The Company may from time to time demise and lease for any terms not exceeding seven years in possession and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable) and on the lease or sale by the Company of any such lands houses

and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or 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.

A.D. 1897.
 Reservation
 of water
 rights &c. on
 sale.

34. The Company shall provide a constant supply in accordance with the provisions of the Waterworks Clauses Act 1847 except at a higher level than seven hundred feet above Ordnance datum but 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 or water tower from which the water is taken.

Constant
 supply and
 pressure.

35. The Company shall at the request of any owner or any occupier of any dwelling-house or part of a dwelling-house in any road or 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 according to the rateable value of such dwelling-house or part of a dwelling-house not exceeding the following (that is to say):—

Rates at
 which water
 to be sup-
 plied for
 domestic
 purposes.

Where the rateable value of the premises so supplied with water does not exceed six pounds per annum the sum of twopence per week ;

Where the rateable value exceeds six pounds at a rate per annum not exceeding seven pounds per centum of such rateable value :
 Provided as follows :—

The Company shall not be compelled to furnish such supply for any less sum than eight shillings and eightpence in any one year but subject thereto nothing contained in this section shall enable the Company to charge more than half the above rates for empty and unfurnished houses from the time when the same shall have become empty and unfurnished and notice to that effect shall have been given to the Company until the same shall again be occupied or furnished :

The Company shall in addition to the above rates be entitled to charge and receive in respect of water supplied and delivered by the Company at a higher level than seven hundred feet above Ordnance datum one half of the amount of such rates :

All inns hotels and schools whether public or private the rateable value of which exceeds five pounds shall be liable to a yearly rate not exceeding nine pounds per centum :

A.D. 1897. When the water is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such rateable value shall be a fairly apportioned part of the rateable value of the whole of the premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices:

For the purposes of this section the rateable value shall be the net 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:

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 seven shillings and sixpence per annum and to every fixed bath the sum of twelve shillings per annum. Provided that for every bath containing as usually filled for use more than fifty gallons the Company may if they supply the same charge an increased rate in proportion to the size of the bath. Such additional sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

Certain provisions as to supply.

36. The Company shall not be compelled to supply with water any bath which shall be capable of containing when filled for use more than fifty gallons of water. Nor shall the Company be compelled to supply with water otherwise than by agreement any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purposes for which water is required and the rateable value (as defined by this Act) exceeds thirty pounds.

Rate payable by owner for small houses &c.

37. Where the rateable value for the poor rate assessment of a dwelling-house supplied with water does not exceed eight pounds or the house 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 pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the next and if necessary from any subsequent rent 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 a notice to pay the rate being given to him or left at his dwelling-house.

38. Subject to the provisions of this Act the Company may supply water for other than domestic purposes and may charge for such supply in respect of and up to ten thousand gallons of water per half year a minimum charge of one pound five shillings per half year and two shillings per one thousand gallons per half year above the ten thousand gallons up to fifteen thousand gallons per half year and after fifteen thousand gallons per half year one shilling and sixpence for every additional one thousand gallons per half year and the moneys payable for such supplies shall be recoverable either as an ordinary debt or as water rates are recoverable under the Waterworks Clauses Act 1847 and sections 68 to 74 of that Act shall have effect accordingly Provided that such supply for other than domestic purposes shall not at any time interfere with the supply for domestic purposes.

A.D. 1897.
 Power to Company to supply water for other than domestic purposes.

39. The Company shall not be bound to supply water to any workhouse hospital or any large public institution except upon such terms as may be agreed between them and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or as in default of agreement may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate.

Charges for supply to workhouses &c. to be agreed or settled by county court judge.

40. The Company may sell and dispose of meters and any water fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings connected therewith for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meter and fittings and for securing access to and the safety and return to the Company of such meter and fittings as may from time to time be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as water rates rents or charges due to the Company.

Power to sell or let meters.

41. The Company shall at all times at their own expense keep all meters let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues.

Company to keep meters in repair.

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

Register of meter to be *primâ facie* evidence.

A.D. 1897.

Fraudulently
injuring
pipes meters
or fittings.

43. 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 supplied or fraudulently abstracts or uses water of the Company 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 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.

Repair of
meters by
consumer.

44. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Power to
Company to
supply
materials.

45. 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 cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their byelaws and regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Company
may require
persons sup-
plied with
water to
repair pipes
&c.

46. The Company may by notice in writing under the hand of their secretary or other authorised officer require any person supplied by them with water who shall have permitted any pipe ball or stopcock or other cock cistern or other receptacle or apparatus connected with the water supply to become out of repair to put the same forthwith into proper repair and if such person shall not within forty-eight hours after the service of such notice so repair such pipe cock cistern or other receptacle or apparatus as to prevent

any waste of water therefrom the Company may repair the same and for such purpose may enter upon the premises where the same may be and the expenses of such repair if they shall not be repaid to the Company on demand shall be recoverable by them as damages.

A.D. 1897:

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

Company not bound to supply several houses by one pipe.

48. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

Where several houses supplied by one pipe each to pay.

49. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say):—

Byelaws for preventing waste &c. of water.

(1.) The Company may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and 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 undue consumption misuse erroneous measurement or contamination:

(2.) No such byelaws shall be of any force or effect except within such part or parts of the district which the Company are for the time being under the provisions of this Act in that behalf contained bound to supply and shall in fact supply or be prepared on demand to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such byelaws 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 byelaws shall have been given by or on behalf of the Company to every sanitary authority within the limits of supply and

A.D. 1897.

any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient :

- (3.) All such byelaws shall be subject to the provisions contained in sections 182 to 184 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the byelaws were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority :
- (4.) A copy of all such byelaws in force for the time being shall be 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 byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy :
- (5.) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof :
- (6.) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable :
- (7.) Any person who shall offend against any such byelaws shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day on which such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

50. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and works by this Act authorised with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or derivatively into such reservoirs and works.

A.D. 1897.

Power to agree with owners for securing purity of water.

51. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement with creditors the secretary of the Company or any person appointed in that behalf by writing under the hands of two directors may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim of such secretary or person and not of the Company.

Representation of the Company in bankruptcy &c.

52. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in writing and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last-known place of abode or business or by delivering the same to some inmate of his last-known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Form and service of notices by Company.

53. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the principal office for the time being of the Company or be sent through the post by prepaid letter addressed to the secretary of the Company at such office.

Notice of discontinuance.

54. The Company may enter into and carry into effect agreements with any urban or rural district council of any district adjoining or near to the limits of supply or any company authorised to supply water under parliamentary authority within any such district for the supply by the Company to any such district council or company respectively of water in bulk and the agreements

Contracts for supplying water for public purposes.

A.D. 1897. respectively may be for such periods not exceeding except with the consent of the Local Government Board seven years and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit. Provided that ~~it~~ shall not be lawful for the Company to supply water under any such agreement beyond the limits of this Act or for other than domestic purposes within those limits if and so long as such supply shall interfere with the continuing supply of water for domestic purposes within the limits of this Act. Provided also that ~~the~~ Company shall not supply water within the statutory limits of supply of any company authorised to supply water under parliamentary authority without the consent of such company.

Liability to
water rent
not to dis-
qualify jus-
tices &c.

55. 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 meter rent rate or charge under this Act.

Contents of
summons &c.

56. 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 sums.

Application
of penalties.

57. Every penalty imposed by this Act or by any byelaw made under this Act shall (except where otherwise expressly provided and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Penalties not
cumulative.

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

For the pro-
tection of the
Rotherfield
Parish
Council.

59. Nothing in this Act contained shall prejudice or affect such rights or powers as the parish council for the parish of Rotherfield had under the Local Government Act 1894 before the passing of this Act by Parliament or could or might have had or enjoyed if this Act had not been passed.

Costs of Act.

60. 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.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.