



### CHAPTER clxxviii.

An Act to enable the Mayor Aldermen and Burgesses of the Borough of Deal and the Urban District Council of Walmer to acquire the Undertaking of the Company of Proprietors of the Deal Waterworks to vest such Undertaking partly in a Joint Board and partly in each of the said Local Authorities to authorise the said Authorities respectively to supply their own Districts and the Neighbourhoods thereof respectively and for other purposes. A.D. 1897.

[6th August 1897.]

**W**HEREAS the borough of Deal in the county of Kent (herein-after called "the borough") is under the government of the mayor aldermen and burgesses thereof (herein-after called "the Corporation") and the Corporation acting by the council of the borough are the urban sanitary authority of the borough:

And whereas the urban district of Walmer in the said county (herein-after called "the urban district") is under the control and management of the urban district council of Walmer (herein-after called "the District Council") and the District Council are the urban sanitary authority of the urban district:

And whereas the Company of Proprietors of the Deal Waterworks (herein-after called "the company") were by the statute 3 and 4 Victoria cap. cxiii. (herein-after called "the Act of 1840") incorporated and authorised to construct and maintain waterworks and to supply water within limits now forming the borough the urban district and the parish of Great Mongeham all in the county of Kent:

And whereas under the Act of 1840 and the Deal Water Act 1878 (herein-after called "the Act of 1878") or one of those Acts the company have constructed waterworks and are supplying water in the borough and urban district:

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And whereas by the Act of 1840 the Act of 1878 and the Deal Water Order 1886 (herein-after called "the Order of 1886") the company were authorised to raise share and loan capital :

And whereas the company have raised capital to the amount of twenty-five thousand one hundred and ninety-two pounds by the issue of shares and to the amount of four thousand five hundred and seventy-five pounds by the issue of bonds :

And whereas it is expedient that the supply of water in the borough and urban district should be constantly laid on under pressure but the company although frequently requested to give such a supply have refused or neglected to give the same :

And whereas it is expedient that the undertaking of the company be purchased by the Corporation and the District Council and that those bodies be respectively authorised to supply water in their respective districts and in the neighbourhoods thereof respectively and that the distributing mains pipes and works of the company in the borough be vested in the Corporation and the distributing mains pipes and works of the company in the urban district be vested in the District Council and that a Joint Board consisting of members of the Corporation and of the District Council be constituted and that the reservoirs pumping stations and works of the company used in common for the supply of water in both the borough and the urban district be vested in such Joint Board who shall hold and manage the same in trust for the Corporation and the District Council and deliver water therefrom to those bodies for distribution in their respective districts and in the neighbourhoods thereof respectively :

And whereas by reason of the increasing populations beyond but in the neighbourhood of the borough and of the urban district respectively it is expedient that not only the said parish of Great Mongeham but that the parishes of Sholden Ripple and Ringwould (including Kingsdown) all in the county of Kent be included within the limits for the supply of water by the Corporation or the District Council :

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

And whereas estimates have been prepared by the Corporation and the District Council for the extension and improvement of the property by this Act vested in the said Joint Board and such estimates amount to the sum of twenty-five thousand pounds and the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas absolute majorities of the whole numbers of the members of the Council of the borough and of the District Council



respectively at meetings of those bodies respectively held by the Council of the borough on the twenty-ninth day of May one thousand eight hundred and ninety-six and by the District Council on the seventeenth day of September one thousand eight hundred and ninety-six after ten clear days notice by public advertisement of such meetings respectively and of the purposes thereof respectively in the Deal Walmer and Sandwich Mercury a local newspaper published or circulating in the borough and urban district respectively such notices being in addition to the ordinary notices required for summoning such meetings resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate of the borough and urban district respectively :

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And whereas such resolutions were published twice in the said Deal Walmer and Sandwich Mercury and have received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by absolute majorities of the whole numbers of the members of the Council of the borough and of the District Council respectively at further special meetings of those bodies respectively held in pursuance of similar notices by the Council of the borough on the fifteenth day of January one thousand eight hundred and ninety-seven and by the District Council on the seventh day of January one thousand eight hundred and ninety-seven being in each case not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough and of the urban district respectively by resolutions in the manner provided by the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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 :—

#### PART I.—PRELIMINARY.

1. This Act may be cited as the Deal and Walmer Water Act 1897. Short title.

2. The provisions of Part V. (Water Supply) of this Act shall not take effect until after the transfer of the undertaking of the company by this Act provided for. Part V. not to take effect until after transfer.

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

The provisions of the Lands Clauses Acts with respect to the purchase of lands by agreement :

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The Waterworks Clauses Act 1847 except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers and provided that for the purpose of incorporation with this Act section 44 shall be read and have effect as if the words "with the consent in writing of the owner" or "reputed owner of any such house or of the agent of such owner" were omitted from that section :

The Waterworks Clauses Act 1863.

Interpreta-  
tion.

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act the expression "the Undertakers" means the Corporation or the District Council as the case may be and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the Acts 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 :

In this Act—

The expression "the borough" means the borough of Deal ;

The expression "the Corporation" means the mayor aldermen and burgesses of the borough ;

The expression "the urban district" means the urban district of Walmer ;

The expression "the District Council" means the urban district council of Walmer ;

The expression "the urban authorities" means the Corporation and the District Council ;

The expression "the councils" means the council of the borough of Deal and the District Council ;

The expression "the Joint Board" means the Deal and Walmer Joint Water Board by this Act constituted :

The expression "the joint property" means the property by this Act vested in the Joint Water Board ;

The expression "the joint undertaking" means the joint undertaking under this Act carried on by the Joint Board ;

The expression "the Deal limits of supply" means the limits of this Act as herein-after declared for the supply of water by the Corporation ;

The expression "the Walmer limits of supply" means the limits of this Act as herein-after declared for the supply of water by the District Council; A.D. 1897.

The expression "the company" means the Company of Proprietors of the Deal Waterworks;

The expression "the undertaking of the company" includes all the waterworks reservoirs wells adits and drifts engines mains pipes and machinery lands and buildings plant fixed and movable stock in trade coal and other stores and all other the real and personal property assets and effects of whatever nature (except cash in hand and at bankers the reserve fund of the company and debts due to the company) and all the rights powers and privileges vested in or belonging to or had or enjoyed by the company at the date of the transfer of the undertaking of the company to the Joint Board and the urban authorities under this Act except the books and papers relating exclusively to the shareholders in and the constitution of the company.

5. This Act shall subject to the express provisions of this Act be executed by the Corporation acting by the council of the borough so far as the same is to or may be executed by the Corporation. Execution of Act so far as to be executed by Corporation.

## PART II.—JOINT BOARD.

6. For the purposes of holding extending improving and maintaining the joint property and of managing the joint undertaking and of supplying water by means thereof for the purposes of the water undertakings of the urban authorities respectively there shall be a Joint Board consisting of representatives of the councils which board shall be called "The Deal and Walmer Joint Water Board" and by that name the members for the time being of such board appointed and acting in pursuance of this Act shall be a body corporate and shall be and are hereby incorporated accordingly 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. Incorporation of Joint Board.

7. The Joint Board shall consist of twelve members of whom six shall be elected by the Council of the borough from among themselves and six shall be elected by the District Council from among themselves. Constitution of Joint Board.

8.—(1) The first election of members of the Joint Board by each of the councils shall take place at a meeting of such council to be held within two months from the passing of this Act and the members so elected shall subject to the provisions of this Act Election of members of Joint Board.



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(2) Each of the councils shall at a meeting of their body held in the month of December in the year one thousand eight hundred and ninety-eight and in each subsequent year elect from among themselves six members of the Joint Board to hold office for one year from the first day of January next following such election.

Provision  
where failure  
to elect  
members of  
Joint Board.

9. If either of the councils fail to elect first members of the Joint Board as by this Act provided it shall be competent nevertheless for the other members of the Joint Board to act and if either of the councils fail to elect members of the Joint Board at any subsequent period of election the then existing members of the Joint Board representing such council shall continue in office till their successors are elected.

No person to  
be member  
of Joint  
Board on  
behalf of  
both  
councils.

10. No person being a member of the Joint Board by election from one of the councils shall so long as he continues a member by virtue of such election be qualified to be also a member of the Joint Board by election from the other of the councils and any such subsequent election shall be void and if the same person shall be elected a member of the Joint Board by both councils at the same election he shall choose for which of the councils to serve and his election by the other of the councils shall be deemed void.

Members of  
Joint Board  
to be dis-  
qualified on  
ceasing to be  
members of  
councils.

11. If a member of the Joint Board elected by one of the councils ceases to be a member of such council or becomes disqualified he shall also cease to be a member of the Joint Board but such disqualification shall not apply if he only goes out of office by rotation as a member of such council and is thereupon re-elected.

Members of  
Joint Board  
going out of  
office eligible  
for re-elec-  
tion.

12. Every member of the Joint Board going out of office shall if otherwise duly qualified be eligible immediately or at any future time for re-election and every person re-elected shall be deemed a new member.

Occasional  
vacancies  
among  
members of  
Joint Board.

13. If any member of the Joint Board dies or resigns or is disqualified or ceases to be a member of the Joint Board from any cause the council whom he represented may if they think fit at any time after the happening of such vacancy elect a member of the Joint Board in his place from amongst themselves and every member of the Joint Board so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

Appointment  
of members  
of Joint  
Board to be  
certified.

14. Whenever an election of a member of the Joint Board has been made the town clerk of Deal or the clerk of the District Council as the case may be shall by writing under his hand certify the

election to the Joint Board and shall forthwith on the first election retain the certificate or transmit the same to the town clerk of Deal as the case may be and on every subsequent election transmit the certificate to the clerk of the Joint Board. A.D. 1897.

**15.**—(1) The Joint Board shall from time to time appoint a chairman and a deputy chairman of the board to hold office respectively for such period (not extending in the case of either the first chairman or deputy chairman of the board beyond the thirty-first day of December one thousand eight hundred and ninety-eight and not exceeding in the case of any subsequent chairman or deputy chairman a period of one year) as at or before the appointment the Joint Board shall determine but so that the chairman and deputy chairman shall at no time be chosen from the members representing the same council. Joint Board to appoint chairman &c.

(2) The chairman shall be chosen alternately from the members representing the Council of the borough and the members representing the District Council.

(3) At all meetings of the Joint Board the chairman or in his absence the deputy chairman or in the absence of both the chairman and the deputy chairman of the board some member of the board chosen by the members present shall preside.

(4) If at any election of a chairman or deputy chairman or at any choosing of a member to preside as chairman at any meeting of the board there shall be an equality of votes cast for two or more of the members of the board the chairman or deputy chairman or member to preside as aforesaid shall be selected by lot from amongst the members for whom an equality of votes shall have been so cast.

**16.** The Joint Board may from time to time appoint and may remunerate a clerk a manager an engineer a treasurer and such other officers clerks and servants as they from time to time think requisite and all officers and servants so appointed shall be removable by the Joint Board at their pleasure No member of the Joint Board or of either of the councils shall be an officer of the Joint Board but the same person may be an officer of the Joint Board and of both or either of the urban authorities. Officers of Joint Board.

**17.** The Joint Board shall hold their first meeting at the Deal Town Hall on Tuesday the second day of November one thousand eight hundred and ninety-seven at eleven o'clock in the forenoon and other meetings of the Joint Board (including their annual meetings) shall be held on such days at such times and at such places as the Joint Board may from time to time appoint. First and other meetings of the Joint Board.

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Power to  
call special  
meetings of  
Joint Board.

**18.** In addition to the meetings to be held by appointment of the Joint Board the chairman of the Joint Board for the time being or any three or more members of the Joint Board may at any time by writing addressed and sent to the clerk of the Joint Board require a special meeting to be convened and such clerk shall convene a meeting accordingly provided that at least two clear days notice thereof shall be given to each member of the Joint Board.

Quorum of  
Joint Board.

**19.** The number of members of the Joint Board present to constitute a meeting of the Joint Board shall be five.

As to con-  
vening  
meetings of  
Joint Board.

**20.** The first meeting of the Joint Board shall be convened by the town clerk of Deal and every subsequent meeting shall be convened by the clerk of the Joint Board and every meeting shall be convened by circular delivered to each member of the Joint Board or sent by post to or delivered at his residence two clear days at least before the day of meeting.

Questions  
before Joint  
Board to  
be decided  
by majority  
of votes or  
by casting  
vote of  
chairman.

**21.** Subject as in this Act provided every question arising at a meeting of the Joint Board shall be decided by a majority of votes of the members present and voting on that question and in case of an equality of votes the chairman of the meeting shall have a second or casting vote but it shall be competent for the board to reconsider any question so decided at the next meeting of the board if any three members of the Joint Board whether present or not at the meeting at which the decision was arrived at shall by writing addressed to the chairman or clerk of the board so request.

Error failure  
&c. not to  
invalidate  
acts done &c.  
of Joint  
Board.

**22.** Any act of the Joint Board or of any of the members thereof shall not be invalidated or be illegal by reason of any irregularity in the election of any member of the Joint Board or by reason of any person not qualified or ceasing to be qualified acting as a member of the Joint Board or by reason of any failure or omission on any occasion on the part of either of the councils to elect any member of the Joint Board or by reason of any other irregularity error failure or omission in or about any election or in or about any matter preliminary or incidental thereto.

Application  
of parts of  
Companies  
Clauses  
Act 1845  
and Public  
Health Act  
1875 to Joint  
Board and  
their officers.

**23.—(1)** The following sections of the Companies Clauses Consolidation Act 1845 shall so far as applicable apply to the Joint Board and to its members and officers namely :—

Section 97 with respect to the making of contracts ;

Section 98 with respect to the entering of proceedings ;

Section 99 with respect to the validity of proceedings ;

Section 100 with respect to liability and indemnity :



And in construing those sections for the purposes of this Act the expression "the company" shall mean the Joint Board and the expression "directors" shall mean members of the Joint Board. A.D. 1897.

(2) Sections 192 to 196 of the Public Health Act 1875 shall so far as applicable apply to the officers and servants of the Joint Board and in construing those sections for the purposes of this Act the expression "the local authority" shall mean the Joint Board.

**24.** The Joint Board shall cause proper books of account and other books in relation thereto to be kept and shall prepare yearly balance sheets to the thirtieth day of June showing in all necessary detail the receipts and expenditure of the Joint Board and shall report the same each year on or before the thirtieth day of September to each of the urban authorities. Accounts and yearly balance sheets of Joint Board.

**25.—**(1) There shall be auditors of the accounts of the Joint Board one for each of the urban authorities to be elected by the respective councils. Auditors of accounts of Joint Board.

(2) The auditors shall hold office for one year.

(3) The provisions of this Act with respect to the election certifying holding of and ceasing to hold office retirement and resignation of members of the Joint Board shall apply mutatis mutandis to and in the case of auditors. Provided that an auditor need not be a member of either of the councils.

(4) The remuneration of an auditor shall be such as the urban authority whom he represents shall from time to time determine and may if such urban authority so determine be in addition to his remuneration as auditor (if he be auditor) of that urban authority. The remuneration of an auditor shall be paid by the urban authority whom he represents as part of the expenses of that urban authority of carrying the provisions of this Act into effect.

**26.—**(1) It shall be the duty of the Joint Board to deliver from time to time from the joint property into the mains pipes or other works of the Corporation water proper and sufficient for meeting all demands for the time being for the supply of water within the Deal limits of supply and into the mains pipes or other works of the District Council water proper and sufficient for meeting all demands for the time being for the supply of water within the Walmer limits of supply. Duty of Joint Board as to supply of water to urban authorities.

(2) Delivery of water by the Joint Board as aforesaid shall be subject nevertheless to the sufficiency of the yield of water from the joint property and to the capacity of the said mains pipes or other works and to the said mains pipes or other works being properly connected for the purpose by that one of the urban authorities to whom such mains pipes or other works belong with the joint

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(3) Subject as aforesaid the Joint Board shall not show any preference or favour to either of the urban authorities in the delivery of water as aforesaid save and except that in the event at any time of there being an insufficient yield of water from the joint property delivery of proportions of the water available shall be made into the mains pipes or other works of the Corporation and of the District Council respectively as nearly as may be corresponding to the proportions borne by the populations of the borough and of the urban district respectively to the sum of such populations.

Joint Board to provide gauges and register quantity of water delivered to each of the urban authorities.

27. The Joint Board shall from time to time provide and keep suitable meters or gauges for measuring and recording the quantity of water delivered by them into the mains pipes or other works of the respective urban authorities and shall cause the quantities so taken in every day of twenty-four hours to be entered in a register to be kept for that purpose. The borough surveyor of Deal and the surveyor of the District Council or any person authorised by them respectively in writing shall be at liberty to inspect such meters or gauges and to inspect and take extracts from such register whenever they see fit so to do.

Capital for extension and improvement of joint property.

28. The urban authorities shall from time to time subject to the provisions of this Act pay to the Joint Board such moneys as they shall require for extensions and improvements of the joint property to which capital is properly applicable.

Expenses of maintenance management &c. of joint property &c.

29.—(1) The costs charges and expenses of the Joint Board in maintaining the joint property and managing the joint undertaking and in supplying water by means thereof for the purposes of the water undertakings of the urban authorities respectively and otherwise of carrying this Act into execution so far as the same is to be executed by the Joint Board shall from time to time be paid to the Joint Board yearly and as soon as may be after the commencement of each year by the urban authorities as herein-after in this section provided.

(2) In respect of each year—

(a) The Joint Board shall (but for purposes of account only) add to the amount of the said costs charges and expenses attributable to such year an amount equal to three per centum of the amount of capital which at the expiration of such year shall have in the aggregate been contributed by the urban authorities to the joint undertaking as in this Act provided;

(b) The Joint Board shall (but for purposes of account only) allocate to the Corporation so much of the sum of the amount

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of the said costs charges and expenses and of the amount added thereto as aforesaid as shall bear to such sum the same proportion as the amount of water delivered during such year to the Corporation for supply within the Deal limits of supply shall bear to the total amount of water delivered during such year to the urban authorities for supply within the Deal limits of supply and the Walmer limits of supply and allocate to the District Council the residue of such sum ;

(c) The Joint Board shall (but for purposes of account only) deduct from the amount so allocated to the Corporation an amount equal to three per centum of the amount of capital which at the expiration of such year shall have in the aggregate been contributed by the Corporation to the joint undertaking as in this Act provided and from the amount so allocated to the District Council an amount equal to three per centum of the amount of capital which at the expiration of such year shall have in the aggregate been contributed by the District Council to the joint undertaking as in this Act provided ;

(d) The balance of the amount so allocated to each of the urban authorities after such deduction therefrom as aforesaid shall have been made shall be the amount of the said costs charges and expenses to be paid by such authority to the Joint Board.

(3) A certificate in writing under the hand of the chairman for the time being of the Joint Board and delivered to the town clerk of Deal and the clerk of the District Council respectively shall be conclusive evidence of the amount of the costs charges and expenses of the Joint Board to be paid by the urban authorities to the Joint Board in respect of any year specified in the certificate.

**30.—**(1) For the purpose of enabling the Joint Board to meet in respect of any year any such costs charges and expenses as aforesaid before payment to the Joint Board thereof by the urban authorities as herein-before provided the Joint Board may from time to time borrow money at interest from such authorities or either of them and those authorities or either of them may from time to time out of any moneys other than borrowed moneys available for purposes of their respective waterworks undertakings lend money at interest to the Joint Board.

Providing  
temporary  
loans to Joint  
Board.

(2) Money so borrowed or lent and the interest thereon shall be duly brought by the Joint Board into their accounts of the said costs charges and expenses and credit be duly given therefor to the urban authorities or either of them as the case may be.

(3) For the purposes of this section the joint property and the joint undertaking shall be deemed to form part of the waterworks undertakings of the urban authorities respectively.



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PART III.—STANDING ARBITRATOR.

Standing  
arbitrator.

**31.**—(1) A standing arbitrator shall be appointed to determine questions submitted to him under the provisions of this Act.

(2) The standing arbitrator shall be appointed by the Joint Board at their second meeting and subsequently at their first meeting in each year and in the event of any casual vacancy occurring in the office at their second meeting held after the occurrence of such vacancy if on each such occasion the majority of the members of the Joint Board voting in favour of the appointment includes at least three members of each of the councils. If at any of the said meetings the said majority shall not include at least three members of each of the councils or there shall from any other cause be a failure to appoint then the clerk of the Joint Board shall forthwith give notice of such failure to the president for the time being of the Institution of Civil Engineers by whom the standing arbitrator shall be appointed.

(3) Every standing arbitrator appointed as aforesaid shall continue in office until the first meeting of the Joint Board in the year next following his appointment unless in any case the office is sooner vacated by death incapacity to act resignation or otherwise.

(4) Any standing arbitrator vacating office shall be capable of re-appointment.

References  
to standing  
arbitrator.

**32.**—(1) If any question as to any matter in which the interests of the urban authorities are not identical (as to which a memorandum in writing under the hands of any three members of the Joint Board elected by the same council shall be conclusive) arise at a meeting of the Joint Board and upon such question all the members representing one of the urban authorities present and voting at the meeting vote in the same sense then on the request of the representatives or of the majority of the representatives of one of the councils present at such meeting delivered to the chairman or clerk of the Joint Board within ten days after such meeting such question shall be referred to the standing arbitrator for the time being and shall as also shall any other question pursuant to this Act referred to him for his decision be decided by him notwithstanding that his term of office expires before his decision shall have been given.

(2) The decision of the standing arbitrator shall in all cases be final and binding on the Joint Board and on the urban authorities.

(3) The standing arbitrator for the time being shall nevertheless on the request of the Joint Board or of either of the urban authorities (signified under the hand of the clerk of the Joint Board the town clerk of Deal or the clerk of the District Council as the case may be) review any previous decision of himself or of any former standing arbitrator but any alteration of any such decision shall have

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prospective operation only and shall not affect anything done or suffered under the decision reviewed. A.D. 1897.

**33.** The remuneration of the standing arbitrator shall be fixed from time to time by the Joint Board and shall be paid as part of the expenses of the Joint Board of carrying into effect so much of this Act as is to be executed by them. Remuneration of standing arbitrator.

**34.** This Act shall be deemed within the meaning and for the purposes of the Arbitration Act 1889 to be a submission by the Joint Board and the two urban authorities to the standing arbitrator as a single arbitrator of all differences which by this Act are referred to the decision of the standing arbitrator. This Act to be deemed a submission under Arbitration Act 1889.

#### PART IV.—TRANSFER OF COMPANY'S UNDERTAKING.

**35.** The company shall sell and the urban authorities shall purchase the undertaking of the company for such price or consideration being a sum in gross as may be agreed upon between the company and the councils or failing such agreement within three months after the passing of this Act as shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts. Company to sell their undertaking to urban authorities.

**36.** On payment by the urban authorities of the price or consideration for the undertaking of the company in accordance with the provisions of this Act such undertaking shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Joint Board and the urban authorities subject and according to the provisions of this Act and free as between the company on the one hand and the Joint Board and the urban authorities respectively on the other hand from all debts and liabilities (other than the bond debt) affecting the same due from or payable by the company up to the time of such transfer and thenceforth the Joint Board and the urban authorities shall have and hold the undertaking of the company as in this Act provided. On payment of purchase money undertaking to vest.

**37.—(1)** The undertaking of the company shall be transferred to and vested in the Joint Board and the urban authorities respectively as follows :— Mode of vesting.

(A) There shall be transferred to and vested in the Joint Board all the reservoirs wells adits and drifts and pumping stations forming part of the undertaking of the company and all mains and pipes forming part of such undertaking and used in common for the supply of water within both the Deal limits of supply and the Walmer limits of supply and all lands unused stock plant tools and other property forming part of such undertaking



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and held for the purposes of the said reservoirs wells adits and drifts pumping stations mains and pipes All which premises together with any additions thereto which shall from time to time become vested in the Joint Board for the purposes of this Act are in this Act referred to as "the joint property" and shall subject to the provisions of this Act be from time to time held by the Joint Board in trust for the urban authorities respectively in the same proportions to one another as the amounts of capital which for the time being shall have in the aggregate been contributed by such authorities respectively to the joint undertaking shall bear to one another ;

(b) There shall be transferred to and vested in the Corporation the property following other than so much thereof as shall form part of the joint property that is to say all mains and pipes forming part of the undertaking of the company within the Deal limits of supply and all lands unused stock plant tools and other property forming part of such undertaking and held for the purposes of the said mains and pipes ;

(c) There shall be transferred to and vested in the District Council the property following other than so much thereof as shall form part of the joint property that is to say all mains and pipes forming part of the undertaking of the company within the Walmer limits of supply and all lands unused stock plant tools and other property forming part of such undertaking and held for the purposes of the said mains and pipes.

(2) The portions of the undertaking of the company to be transferred to and vested in the Joint Board and the urban authorities respectively shall be such as may be agreed upon between the councils or failing such agreement within one month after the price or consideration payable to the company for the undertaking of the company shall have been agreed upon between the company and the councils or have been determined by arbitration as shall be determined by the standing arbitrator and the determination by him of such portions shall be deemed to be a question pursuant to this Act referred to him for his decision.

Liabilities  
and actions  
&c. by or  
against  
company.

38.—(1) All debts (other than the company's bond debt) and liabilities due from or payable by the company up to the time of transfer which shall then remain unpaid or unsatisfied shall as between the company on the one hand and the Joint Board and the urban authorities respectively on the other hand be paid or satisfied by the company and the company shall indemnify the Joint Board and the urban authorities respectively against the same and if at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour



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of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Joint Board and the urban authorities or any of them as and when it might have been continued prosecuted and enforced by or against or in favour of the company if this Act had not been passed but as between the company on the one hand and the Joint Board and the urban authorities respectively on the other hand the company shall indemnify the Joint Board and the urban authorities respectively against any action or proceeding against the company and shall be entitled to the benefit of any action or proceeding in favour of the company which shall be pending at the time of the transfer.

(2) The company shall forthwith after the passing of this Act give notice to the several holders of the bonds of the company that such bonds respectively will be redeemed or paid off by the company at the then earliest date permitted by the terms and conditions in such bonds respectively contained.

(3) If the said bonds or any of them become due before the transfer the same shall be paid off by the company out of moneys which shall be provided by the urban authorities for that purpose and if the bonds or any of them become due after the transfer the same shall be paid off by the urban authorities and until the said bonds are paid off they shall remain charged on the undertaking in the same manner as at the passing of this Act.

**39.** Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the time of the transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Joint Board and the urban authorities or any of them and may be enforced as fully and effectually as if instead of the company the Joint Board and the urban authorities or any of them had been a party thereto.

Contracts of company to be binding on urban authorities.

**40.** All documents books and writings which if the transfer had not been made would have been receivable in evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same and the like matter for or against the Joint Board and the urban authorities or any of them.

Books &c. to remain evidence.

**41.—**(1) From and after the transfer the company shall subsist only for the purpose of paying their debts and liabilities and of receiving and recovering the sums payable to the company as provided by this Act and distributing the purchase money assets

Purposes for which company to continue incorporated.

A.D. 1897. Winding up  
of company. dividends and other moneys to be distributed by them and for winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the company and the directors of the company who are in office at the time of the transfer and the survivors and survivor of them shall continue without re-election to hold the office of directors of the company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section.

(2) Forthwith after the transfer the directors of the company shall proceed to wind up the affairs of the company and after payment of the debts and liabilities of the company shall pay and distribute the net moneys to and among the several persons who at the time of the transfer are the registered shareholders of the company or their respective executors administrators and assigns in accordance with the scheme in this Act referred to.

(3) When the directors of the company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same they may pay the same into the High Court under any Act for the time being in force for the relief of trustees and every such payment shall effectually discharge the company and the directors thereof from all further liability with respect to the money so paid in.

(4) If any money is payable to any shareholder of the company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the company or the directors for the same.

(5) After the transfer and until the company shall be finally wound up and dissolved the company shall have access at all reasonable times to the books documents and accounts relating to the transferred undertaking of the company for the purpose of making up the accounts of the company to the time of the transfer and for all other reasonable purposes in relation to the winding up of the company.

Dissolution  
of company.

42. Upon the purposes specified in the last preceding section being fulfilled the company shall ipso facto be dissolved.

Compensa-  
tion to  
officers &c.  
and costs of  
winding up.

43. The urban authorities shall pay to the company at the time of the transfer a sum of five hundred pounds for distribution by the company amongst such of the persons who were immediately before such time officers or servants of the company and in such amounts as the directors shall determine and shall pay to the company the taxed costs charges and expenses (which shall be taxed as between solicitor and client by a solicitor to be nominated for the purpose by

[60 & 61 VICT.] *Deal and Walmer Water Act, 1897.* [Ch. clxxviii.]

the president of the Incorporated Law Society on the application of the town clerk of Deal or of the clerk of the District Council or of the company) of and incidental to the winding up of the company including any costs incurred in carrying out the provisions of the section of this Act of which the marginal note is "As to the distribution of the purchase money &c." and the urban authorities shall also pay the reasonable charges of the said solicitor. A.D. 1897.

44. The directors of the company shall as soon as possible after the payment of the purchase money prepare a scheme or schemes for the distribution of the net moneys to be distributed by them among the shareholders entitled thereto and in case of the withdrawal or rejection of any such scheme they may prepare other or modified schemes in lieu thereof and the following provisions shall have effect:— As to the distribution of the purchase money &c.

The directors shall send a copy of the scheme to all the shareholders of the company at their registered addresses together with a notice summoning a meeting of the shareholders to consider the scheme at a place and time to be named in the notice being not sooner than seven days nor later than fourteen days after circulation of the scheme;

The scheme shall be submitted to the said meeting and if one fourth in number of the shareholders present thereat shall object thereto and shall insist on such objection the scheme and such objection thereto shall be referred to the arbitrament of one of Her Majesty's Counsel to be appointed by the Attorney-General on the application of either of the parties who shall have power to settle the scheme and the scheme so settled shall be binding on all parties.

#### PART V.—WATER SUPPLY.

45.—(1) The limits of this Act for the supply of water by the Corporation (in this Act called "the Deal limits of supply") include the borough the parish of Sholden and so much of the parish of Great Mongeham as is beyond the existing ecclesiastical parish of Walmer all in the county of Kent. Limits of supply.

(2) The limits of this Act for the supply of water by the District Council (in this Act called "the Walmer limits of supply") include the urban district the parishes of Ripple and Ringwould (including Kingsdown) and so much of the parish of Great Mongeham as is within the existing ecclesiastical parish of Walmer all in the county of Kent.



A.D. 1897.

Power to  
local autho-  
rity &c. to  
supply water  
in case  
councils fail  
to supply.

46. If at any time after the expiration of seven years from the passing of this Act the Corporation or the District Council as the case may be are not furnishing a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority (other than the Corporation or the District Council) within the Deal limits of supply or the Walmer limits of supply as the case may be the local authority of such district may provide a supply in the whole or any part of their district within the Deal limits of supply or the Walmer limits of supply as the case may be 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 Corporation or the District Council as the case may be as if in either case the Corporation or the District Council as the case may be were not authorised by this Act to supply water therein.

If any difference shall arise between the Corporation or the District Council as the case may be and any such local authority (other than the Corporation or the District Council) 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 Local Government Board.

Repeal of  
company's  
Acts.

47. The recited Acts of 1840 and 1878 and Order of 1886 shall not apply to the Joint Board and the urban authorities or any of them or to the joint undertaking or to the water undertaking of either of the urban authorities and shall as from the dissolution of the company be repealed.

Rates for  
domestic  
supply  
within  
borough  
and urban  
district.

48. For the supply of water for domestic purposes the Corporation within the borough and the District Council within the urban district may demand and take any rates and charges not exceeding the rates and charges following (that is to say):—

Where the rateable value of the premises so supplied with water shall not exceed five pounds the sum of eight shillings and eightpence per annum ;

Where the rateable value shall exceed five pounds and shall not exceed seven pounds ten shillings the sum of thirteen shillings per annum ;

Where such rateable value shall exceed seven pounds ten shillings and shall not exceed ten pounds the sum of seventeen shillings and fourpence per annum ;

Where such rateable value shall exceed ten pounds and shall not exceed fifteen pounds at the rate of ten per centum per annum on the rateable value ;

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Where such rateable value shall exceed fifteen pounds and shall not exceed twenty five pounds at the rate of nine and a half per centum per annum on the rateable value;

Where such rateable value shall exceed twenty-five pounds and shall not exceed fifty pounds at the rate of nine per centum per annum on the rateable value;

Where such rateable value shall exceed fifty pounds and shall not exceed sixty pounds at the rate of eight and a half per centum per annum on the rateable value;

Where such rateable value shall exceed sixty pounds and shall not exceed seventy pounds at the rate of eight per centum per annum on the rateable value;

Where such rateable value shall exceed seventy pounds and shall not exceed eighty pounds at the rate of seven and a half per centum per annum on the rateable value;

Where such rateable value shall exceed eighty pounds the rate of seven per centum per annum on the rateable value;

And in addition to such rates and charges for every watercloset beyond the first the sum of seven shillings and sixpence per annum and for every fixed bath the sum of fifteen shillings per annum;

Provided that neither of the councils shall be entitled to demand for any house included in any division of the scale a greater sum than they could demand if the house were of just sufficient value to bring it within the next division of the scale on which a lower rate is charged.

**49.** For the supply of water for domestic purposes the Corporation within the Deal limits of supply beyond the borough and the District Council within the Walmer limits of supply beyond the urban district may demand and take any rates and charges they respectively think fit not exceeding by more than twenty-five per centum thereof the rates and charges for the time being demanded by them respectively for the supply of water for domestic purposes to premises of similar rateable value within the borough or urban district as the case may be.

Rates for domestic supply beyond borough and urban district.

**50.** The owners of all dwelling-houses or parts of dwelling-houses within the Deal limits of supply or the Walmer limits of supply occupied as separate tenements to which water is supplied under this Act and the rateable value of which houses or tenements shall not exceed the sum of ten pounds shall be liable to the payment of rates instead of the occupiers thereof and the powers and provisions of this Act for the recovery of rates or rents from occupiers shall be construed to apply to the owners of such houses and tenements and the person receiving the rents of any such house

Owners of houses not exceeding ten pounds rent to be liable to water rates.



A.D. 1897. — or tenement as aforesaid from the occupier thereof on his own account or as agent or receiver for any person interested therein shall for this purpose be deemed the owner of such house or tenement.

Supply in  
courts  
passages &c.

**51.** With respect to cases where a group or number of dwelling-houses are situate in a court or passage or otherwise in contiguity with or in close neighbourhood to one another the following provisions shall have effect (that is to say) :—

- (1) If at any time it appears to the Corporation or District Council as the case may be that a supply of water cannot be well and effectually provided by the Corporation or District Council as the case may be for that group or number of dwelling-houses except by means of a stand pipe or other apparatus placed outside the dwelling-houses the Corporation or District Council as the case may be may from time to time supply such group or number of dwelling-houses by means of a stand pipe or other apparatus as aforesaid :
- (2) The expense of providing such stand pipe or other apparatus shall be borne by the owner of the dwelling-houses or if there is more than one owner then by the respective owners in such proportion as in case of difference between the Corporation or District Council as the case may be and such owners or any of them shall be determined by any two justices who are hereby required to hear and determine the matter in difference accordingly and who may decide and order by whom and in what proportion the costs of the inquiry shall be borne :
- (3) If the requisite stand pipe or other apparatus is provided and is in accordance with the regulations of the Corporation or District Council as the case may be then the Corporation or District Council as the case may be shall give to those dwelling-houses a supply accordingly by means of the stand pipe or other apparatus so provided and on giving such supply shall be entitled to receive and recover water rates from the owners or occupiers of such dwelling-houses as if the supply had been given to or taken by such owners or occupiers under the provisions of this Act in respect of the respective dwelling-houses separately.

Definition  
of rateable  
value.

**52.** The rateable value shall for the purposes of this Act be 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 Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the



[60 & 61 Vict.] *Deal and Walmer Water Act, 1897.* [Ch. clxxviii.]

rateable value of the whole tenement ascertained as aforesaid A.D. 1897.  
The apportionment in case of dispute shall be determined by two  
justices.

53. Notwithstanding any provisions of the Waterworks Clauses Acts 1847 and 1863 or of this Act either of the urban authorities may from time to time agree with any person to supply water for domestic purposes within the Deal limits of supply or the Walmer limits of supply as the case may be by measure. Power to agree for domestic supply by measure.

54. Notwithstanding any provisions of the Waterworks Clauses Acts 1847 and 1863 or of this Act neither the Corporation nor the District Council shall be compellable to afford a supply of water for domestic purposes for any period less than six months or be required to charge any water rate for uninhabited houses from the time when the same shall have become uninhabited and notice to that effect shall have been given to the Corporation or the District Council as the case may be until the same shall again be inhabited. Domestic supply need not be afforded for less than six months and rates need not be charged for uninhabited houses.

55. It shall and may be lawful to and for the Corporation or the District Council as the case may be to supply water to and for the use of the castles of Deal and Walmer the naval hospital and barracks in the urban district and the inmates thereof respectively or any other castle fort hospital barracks public buildings or establishment whatsoever which may be from time to time erected or used within the borough or urban district as the case may be by or for any department of Her Majesty's service or the inmates thereof respectively upon such terms pecuniary or otherwise as shall be agreed between the Corporation and the District Council as the case may be and the several departments or officers competent to contract in this behalf and such several departments and officers respectively shall have the like rights and privileges as any water consumers within the borough or urban district. As to supply to Deal and Walmer Castles the naval hospital barracks &c.

56. The urban authorities or either of them may supply by agreement water for the use of vessels lying in the Downs or in the Roads near the borough Provided such supply do not interfere with the supply of water within the Deal limits of supply or the Walmer limits of supply. As to supplying shipping.

57. The Corporation within the Deal limits of supply and the District Council within the Walmer limits of supply may supply water by meter for purposes other than domestic purposes and may charge for such supply by agreement and the moneys payable for any such supply shall be recoverable either as an ordinary debt or as water rates are recoverable under the Waterworks Clauses Act 1847 Supply of water for other than domestic purposes.

A.D. 1897. and sections 68 to 74 of that Act shall have effect accordingly  
 Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes within either the Deal limits of supply or the Walmer limits of supply.

Constant supply.

58. Within two years from the passing of this Act the water to be supplied by the Corporation and the District Council respectively shall be constantly laid on under pressure.

As to pressure.

59. Neither of the urban authorities shall be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the reservoir from which such supply shall be afforded.

Restriction on obligation to supply waterclosets and baths.

60. Neither of the urban authorities shall 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 contamination of the water of such authority nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Urban authorities not bound to supply several houses by one pipe.

61. Neither of the urban authorities shall be compelled to supply more than one house by means of the same communication pipe and either of them may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

As to supply of part of premises.

62. Neither of the urban authorities shall 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.

Incoming tenant not liable for arrears of water rate except by agreement.

63. If any water consumer leaves the premises to which water has been supplied without paying to the Corporation if the premises be within the Deal limits of supply or the District Council if the premises be within the Walmer limits of supply the water rate or charge due from him the Corporation or the District Council as the case may be shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer unless the incoming tenant shall have agreed with the Corporation or the District Council as the case may be or with the defaulting consumer to pay the arrears but the Corporation or the District Council as the case may be shall supply water to the incoming tenant on the terms and conditions prescribed by this Act if required by him so to do.



**64.** For preventing waste misuse undue consumption or contamination of the water of the urban authorities respectively the following provisions shall have effect (that is to say):—

A.D. 1897.

Byelaws for preventing waste of water.

(1) Each of the urban authorities may from time to time make byelaws for the purpose of preventing waste undue consumption or misuse or contamination of water and may by such byelaws prescribe with or without reference to models patterns or samples 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 allow or tend to waste or undue consumption misuse erroneous measurement or contamination :

(2) No such byelaws shall be of any force or effect except within the part or parts of the district which the Corporation or the District Council as the case may be are for the time being bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure :

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation or the District Council as the case may be 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 Corporation or the District Council as the case may be by the person on whose credit the water is supplied and may be recovered by them as an ordinary debt or as water rates are recoverable :

Sections 182 to 186 of the Public Health Act 1875 except so much of section 185 as relates to byelaws made by a rural sanitary authority and so far as relates to the Corporation section 186 shall apply to byelaws made by either of the urban authorities under this Act.

**65.** The Corporation and District Council respectively may if requested by any person supplied or to be supplied by them respectively with water furnish to him at his costs and charges and from time to time fix repair or alter any pipes valves meters cocks cisterns baths soil-pans waterclosets apparatus and receptacles

As to supply and fixing of meters and fittings.

A.D. 1897. (herein-after referred to collectively as "fittings") necessary for or connected with such supply and may provide all materials and do all works necessary or proper in that behalf or instead of charging the costs thereof to such person may instead thereof charge such person with such annual or other rent or sum as may be reasonable and agreed on between the Corporation or District Council as the case may be and such person. Provided always that any person to whom any such fittings are so furnished in consideration of an annual or other rent or sum as aforesaid or any subsequent occupier of the premises to which the same may be furnished may at any time determine the arrangement or agreement under which the same are furnished by giving to the Corporation or District Council as the case may be three calendar months notice in writing determining the same and at the expiration of such notice the Corporation or District Council as the case may be may and if required by the occupier shall at their own expense remove the fittings so furnished.

Recovery of charges for meters and fittings.

**66.** The Corporation and District Council respectively may charge for the hire and use of meters for ascertaining the quantity of water consumed or supplied and of fittings connected therewith such rents or sums of money as may from time to time be agreed upon between the hirer and the Corporation or District Council as the case may be and the rent of meters let for hire and fittings shall be recoverable in the same manner as water rates due to the Corporation or District Council as the case may be.

#### PART VI.—FINANCIAL.

Apportionment of price or consideration.

**67.**—(1) As between the urban authorities the price or consideration for the undertaking of the company (which price or consideration shall for the purpose of this Part of this Act be deemed to include moneys payable for the purpose of paying off the company's bond debt) shall be apportioned between—

- (A) So much of such undertaking as shall be transferred to and vested in the Joint Board ;
- (B) So much of such undertaking as shall be transferred to and vested in the Corporation ; and
- (C) So much of such undertaking as shall be transferred to and vested in the District Council.

(2) Such apportionment shall be such as may be agreed upon between the councils or failing such agreement within one month after such price or consideration shall have been agreed upon between the company and the councils or have been determined by arbitration as shall be determined by the standing arbitrator.



**68.**—(1) As between the urban authorities the price or consideration for the undertaking of the Company shall be paid as follows (that is to say) :—

A.D. 1897.

Provision of  
price or con-  
sideration.

(A) The Corporation shall pay a proportion of so much of such price or consideration as shall be apportioned as aforesaid to so much of such undertaking as shall be transferred to and vested in the Joint Board corresponding to the proportion borne by the population of the borough to the sum of that population and of the population of the urban district and the District Council shall pay the residue of so much of such price or consideration as shall be so apportioned :

(B) The Corporation shall pay so much of such price or consideration as shall be apportioned as aforesaid to so much of such undertaking as shall be transferred to and vested in the Corporation :

(C) The District Council shall pay so much of such price or consideration as shall be apportioned as aforesaid to so much of such undertaking as shall be transferred to and vested in the District Council.

(2) For the purposes of this section the populations of the borough and the urban district respectively shall be taken to be the populations thereof as stated in the annual reports of the medical officers of health of the borough and of the urban district respectively published next before the transfer of the undertaking of the company pursuant to this Act.

**69.** As between the urban authorities the taxed costs charges and expenses (which shall be taxed by a solicitor to be nominated for the purpose by the president for the time being of the Incorporated Law Society on the application of the town clerk of Deal or of the clerk of the District Council) of and incidental to the purchase of the undertaking of the company and the transfer of such undertaking pursuant to this Act and the sum of five hundred pounds and taxed costs charges and expenses mentioned in the section of this Act whereof the marginal note is " Compensation to officers &c. and costs of winding up " and the taxed costs charges and expenses mentioned in the section of this Act whereof the marginal note is " Costs of Act " shall be paid as follows (that is to say) :—

Provision of  
costs of  
purchase  
transfer  
Act &c.

The Corporation shall pay a proportion thereof corresponding to the proportion borne by the sum of the amounts payable by the Corporation as aforesaid in respect of the price or consideration for such undertaking to such price or consideration and the District Council shall pay the residue thereof.

A.D. 1897.

As to payment by urban councils for extensions and improvements of joint property.

What to be deemed capital in the joint undertaking.

Power for urban authorities to borrow.

**70.** When from time to time money shall be payable for extensions or improvements of the joint property to which capital is properly applicable such money shall be paid wholly by one of the urban authorities or partly by one and partly by the other of such authorities in specified proportions as may be agreed upon between the councils or failing such agreement shall be determined on the request of both or either of the councils by the standing arbitrator.

**71.** The following moneys shall be deemed to be capital contributed to the joint undertaking (that is to say) :—

- (A) All moneys paid by either of the urban authorities in respect of so much of the price or consideration for the undertaking of the company as shall be apportioned as aforesaid to so much of such undertaking as shall be transferred to and vested in the Joint Board :
- (B) So much of all moneys paid by either of the urban authorities in respect of the taxed costs charges and expenses of and incidental to the purchase of the undertaking of the company and the transfer of such undertaking pursuant to this Act and the taxed costs charges and expenses mentioned in the section of this Act whereof the marginal note is "Costs of Act" as shall bear the same proportion to all moneys so paid by such authority as all moneys paid by such authority in respect of so much of the price or consideration for the undertaking of the company as shall be apportioned as aforesaid to so much of such undertaking as shall be transferred to and vested in the Joint Board shall bear to all moneys paid by such authority in respect of the price or consideration for the undertaking of the company :
- (c) All moneys paid by either of the urban authorities in respect of extensions or improvements of the joint property to which capital is properly applicable.

**72.—(1)** The urban authorities respectively may from time to time independently of any other borrowing power of such authorities or either of them borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts herein-after specified (that is to say) :—

In the case of the Corporation—

- (A) For paying so much of the price or consideration for the undertaking of the company and so much of the taxed costs charges and expenses of and incidental to the purchase of such undertaking and the transfer thereof pursuant to this Act as shall respectively be payable by the Corporation as aforesaid such sum as may be required ;



A.D. 1897.

(B) For paying so much of the taxed costs charges and expenses mentioned in the section of this Act whereof the marginal note is "Costs of Act" as shall be payable by the Corporation as aforesaid such sum as may be required;

(c) For the extension and improvement of the joint property the sum of fifteen thousand pounds:

In the case of the District Council—

(D) For paying so much of the price or consideration for the undertaking of the company and so much of the taxed costs charges and expenses of and incidental to the purchase of such undertaking and the transfer thereof pursuant to this Act as shall respectively be payable by the District Council as aforesaid such sum as may be required;

(E) For paying so much of the taxed costs charges and expenses mentioned in the section of this Act whereof the marginal note is "Costs of Act" as shall respectively be payable by the District Council as aforesaid such sum as may be required;

(F) For the extension and improvement of the joint property the sum of ten thousand pounds:

And with the approval of the Local Government Board such further sums of money as the urban authorities respectively may require for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed by the urban authorities respectively under this section and the payment of the interest thereon the urban authorities respectively may mortgage or charge the respective revenues of the water undertakings of such authorities respectively and the respective district funds and general district rates of such authorities.

**73.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

Inquiries  
by Local  
Government  
Board.

(2) One or each of the urban authorities shall pay to the Local Government Board the whole or such part as that Board shall direct of any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

**74.** Each of the urban authorities may raise all or any moneys which such authority are authorised to borrow under this Act

Mode of  
raising  
money.

A.D. 1897: — either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another. Provided that in respect of all moneys so raised under the Local Loans Act 1875 and repayable by means of a sinking fund or of sinking funds the provisions of the section of this Act whereof the marginal note is “Regulations as to sinking fund” shall apply instead of the provisions of section 15 of the Local Loans Act 1875.

Certain regulations of Public Health Act as to borrowing not to apply.

**75.** The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which either of the urban authorities may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

**76.** Sections 236 to 239 of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act.

Periods for payment off of money borrowed.

**77.** Each of the urban authorities shall pay off all moneys borrowed by such authority under this Act within the respective periods (in this Act referred to as “the prescribed periods”) following (that is to say):—

As to moneys borrowed for the purposes (A) (C) (D) and (F) mentioned in the section of this Act the marginal note whereof is “Power for urban authorities to borrow” within a period of fifty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purposes (B) and (E) mentioned in the said section within a period of ten years from the date or dates of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board within such period as that Board may think fit to sanction.

Mode of payment off of money borrowed.

**78.** Each of the urban authorities shall pay off all moneys borrowed by such authority on mortgage under this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund.

Regulations as to sinking fund.

**79.** If the urban authorities respectively determine to pay off by means of a sinking fund any moneys borrowed by such authority under this Act the following regulations shall be observed:—

Such authority in every year shall appropriate and set apart out of the fund rate or revenue on the security of which such moneys shall have been borrowed such equal annual sums as



will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys for the repayment of which the sinking fund is provided within the prescribed periods:

A.D. 1897.

Provided as follows (that is to say):—

- (A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in securities in which trustees are for the time being authorised to invest or in mortgages debenture stock or other securities (not being annuities or transferable by delivery) duly created and issued by any local authority as defined by the Local Loans Act 1875 other than such authority so investing and any such investments may be from time to time varied or transposed. The rate of accumulation on which the amounts paid to the sinking fund are based is herein-after referred to as "the prescribed rate". Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund:
- (B) Such authority may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set apart in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate. Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside such authority may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

A.D. 1897.

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

**80.** The town clerk of Deal or the clerk of the District Council as the case may be shall within twenty-one days after the expiration of each year during which any sum is required to be set apart by the Corporation or the District Council as the case may be for a sinking fund or any instalment is required to be paid by the Corporation or the District Council as the case may be 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 of such town clerk or clerk as the case may be if so required by such Board showing the amount which has been paid as an instalment or invested for the purposes 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 town clerk or clerk as the case may be 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 a summary manner. If it appear to the Local Government Board by such return or otherwise that the Corporation or the District Council as the case may be have failed to pay any instalment or to set apart the sum required for the sinking fund under this Act or have applied any portions 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 shall have 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 and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to  
re-borrow.

**81.** If either of the urban authorities pay off any part of any money borrowed by such authority under this Act otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys such authority may from time to time re-borrow the same but 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 shall have 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 shall have been made and the obligations of such authority with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing. A.D. 1897.  
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82. Neither of the urban authorities shall be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by such authority may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of such authority shall from time to time be a sufficient discharge to such authority in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not such authority have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and such authority shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money. Urban  
authorities  
not to regard  
trusts.

83. All moneys borrowed by either of the urban authorities under this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable. Application  
of borrowed  
moneys.

84. All expenses incurred by either of the urban authorities in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate of such authority. Expenses of  
execution of  
Act.

85. Each of the urban authorities shall keep a separate account of such authority's receipts and expenditure for waterworks purposes on capital and revenue account and the provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of such authority and the accounts of their committees officers and assistants under this Act. Separate  
accounts to  
be kept.

86. Each of the urban authorities shall apply all money from time to time received by such authority in respect of their water undertaking except money borrowed and other moneys received on capital account as follows (that is to say):— Application  
of water  
revenue.

First In payment of the proportion payable by such authority of the costs charges and expenses of the Joint Board pursuant to the provisions of the section of this Act whereof the marginal note is "Expenses of maintenance management &c. of joint property &c.";

A.D. 1897.

Secondly In payment of the working and establishment expenses and cost of maintenance of the water undertaking of such authority ;

Thirdly In payment of the interest on moneys borrowed by such authority under this Act ;

Fourthly In providing the requisite appropriations instalments or sinking funds under this Act in respect of moneys borrowed by such authority ;

Fifthly In providing a reserve fund for the water undertaking of such authority if they 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 the like securities as they are herein-before authorised to invest their sinking funds in and accumulating the same at compound interest until the fund so formed amounts to fifteen hundred pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of such authority from their water undertaking or to meet any extraordinary claim or demand at any time arising against such authority in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of fifteen hundred pounds and so from time to time as often as such reduction happens ;

Sixthly In improving and extending the water undertaking of such authority :

And such authority shall carry to their district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of such authority be required for carrying on their water undertaking and the joint undertaking and paying the current expenses connected therewith respectively and shall also carry to such district fund the annual proceeds of the reserve fund when such fund amounts to fifteen hundred pounds.

As to  
deficiency  
in receipts.

**87.** Any deficiency in the revenues or receipts of either of the urban authorities on account of the water undertaking of such authority or of the joint undertaking shall be from time to time made good out of the district fund of such authority and the next general district rate to be made by such authority shall be increased so far as may be necessary to recoup to such district fund the amount so made good out of that fund.

Costs of  
Act.

**88.** The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolutions of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or of the



[60 & 61 Vict.] *Deal and Walmer Water Act, 1897.* [Ch. clxxviii.]

House of Commons shall be paid by the urban authorities in the proportions in this Act prescribed out of their respective general district rates or out of moneys borrowed by such authorities respectively under this Act. A.D. 1897.

PART VII.—MISCELLANEOUS.

89. Where any summons demand or other document under this Act (except a conveyance contract or security) requires authentication by either of the urban authorities or the Joint Board the signature thereof by the town clerk of Deal or the clerk of the District Council or the clerk of the Joint Board as the case may be shall be a sufficient authentication. Authentication of notices.

90. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in the schedule thereto several sums. Several sums in one summons.

91. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate or charge under this Act. Liability to water rate not to disqualify justices &c. from acting.

92. No person entering into any contract with either of the urban authorities for the supply of water to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member of either of the councils or incur any penalty by reason of such contract but any member of either of the councils concerned directly or indirectly by himself or any partner in any such contract shall not take part in any vote or proceeding relative thereto at any meeting of such council. Contracts for water &c. not to disqualify.

93. The Joint Board for the purposes of the joint undertaking and each of the urban authorities for the purposes of their water-works undertaking may from time to time acquire by agreement either in fee simple or for any term or terms of years in addition to lands by this Act otherwise vested in them any lands not exceeding in the whole in the case of the Joint Board six acres and in the case of each of the urban authorities three acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Joint Board Corporation or District Council as the case may be shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than buildings necessary for or connected with their undertaking or dwellings for their officers servants or workmen. Power to acquire lands by agreement.

A.D. 1897.

Restriction  
on taking  
houses of  
labouring  
class.

**94.** The Joint Board shall not nor shall the urban authorities or either of them under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either 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 purpose 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 of such persons who may be residing with them.

Application  
of moneys  
from sale &c.  
of lands.

**95.** The urban authorities respectively shall apply all moneys from time to time received by them respectively in respect of any sales exchanges or disposition of lands acquired by them respectively under this Act or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing by them respectively under this Act or if there shall be no moneys owing by them respectively under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by them respectively and such proceeds shall not be applicable to the payment of instalments or to the payments into any sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided also that the borrowing powers of the urban authorities respectively under this Act shall be reduced to the extent of any amount so paid off by them respectively.

Power to  
take ease-  
ments &c. by  
agreement.

**96.** 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 Joint Board Corporation or District Council as the case may be any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of their undertaking 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.



[60 & 61 VICT.] *Deal and Walmer Water Act*, 1897. [Ch. clxxviii.]

97. Nothing in this Act shall apply to or in any manner affect any lands estates or property vested in Her Majesty's principal Secretary of State for the War Department or in the Admiralty for the public service without the consent in writing of such Secretary of State or of the Admiralty first obtained. A.D. 1897.  
Reservation of the rights of the Crown.

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