

**CHAPTER xciii.**

An Act to empower the mayor aldermen and citizens of the city of Chichester to construct additional waterworks to extend their limits of water supply to confer further powers upon them with respect to their water and electricity undertakings and for other purposes.

A.D. 1935.

[2nd August 1935.]

**W**HEREAS the city of Chichester (in the preamble to this Act called "the city") is a borough under the government of the mayor aldermen and citizens of the city (in the preamble to this Act called "the Corporation"):

And whereas the Corporation are the owners of a water undertaking and under the Chichester Corporation Water Act 1897 as amended by the Selsey Water Act 1907 and the Chichester Order 1922 (confirmed by the Ministry of Health Provisional Orders (No. 2) Act 1922) supply water in the city and certain parishes and places adjacent thereto in the county of West Sussex:

And whereas it is expedient that the Corporation should be empowered to construct the waterworks described in this Act and to acquire lands for the purposes of the said waterworks and that the limits of the Corporation for the supply of water should be extended and that such further powers with reference to the said water undertaking as are contained in this Act should be conferred upon the Corporation:

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And whereas in pursuance of the Chichester Electricity Special Order 1922 and the Chichester Electricity (Extension) Special Order 1931 the Corporation are empowered to supply electricity within the city and within certain areas in the neighbourhood thereof and it is expedient that the further provisions with regard to the supply of electricity which are set forth in this Act should be enacted :

And whereas it is expedient that the provisions with regard to the finances of the city which are contained in this Act should be made and that the Corporation should be empowered to borrow money for the purposes of this Act :

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

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

And whereas estimates have been prepared by the Corporation of the expense of the works hereinafter mentioned and such estimates are as follows :—

	£
For the construction of waterworks	- 33,000
For new mains extension of mains and other waterworks purposes	- - 7,000

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Local Government Act 1933 have been observed :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent

Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

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## PART I.

## PRELIMINARY.

1. This Act may be cited as the Chichester Corporation Act 1935. Short title.

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

Act divided into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Supply of water &c.

Part V.—Electricity.

Part VI.—Financial.

Part VII.—Miscellaneous.

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

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

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section;

(2) The Waterworks Clauses Act 1847 except—

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

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

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

(3) The Waterworks Clauses Act 1863.

Interpreta-  
tion.

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

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

“The city” means the city of Chichester;

“The Corporation” means the mayor aldermen and citizens of the city;

“The town clerk” and “the treasurer” mean respectively the town clerk and the treasurer of the city;

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

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

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

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

“The Act of 1897” means the Chichester Corporation Water Act 1897;

“The new works” means the waterworks and the works in connection therewith or subsidiary thereto authorised by this Act;

- “The water undertaking” means the water undertaking of the Corporation as from time to time authorised;
- “The existing limits” means the area within which the Corporation are immediately prior to the passing of this Act authorised to supply water under the Act of 1897;
- “The water limits” means the limits within which the Corporation are for the time being authorised to supply water;
- “The electricity limits” means the limits for the time being of the Corporation for the supply of electricity;
- “The electricity undertaking” means the electricity undertaking of the Corporation for the time being authorised;
- “The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of reference deposited with the clerk of the county council in relation to the Bill for this Act;
- “The Minister” means the Minister of Health;
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed but shall not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933;
- “Statutory securities” has the meaning assigned to that expression by section 218 of the Local

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Government Act 1933 but does not include securities of the Corporation;

“Revenues of the Corporation” means revenues of the Corporation within the meaning of Part IX of the Local Government Act 1933;

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

## PART II.

### LANDS.

Power to acquire lands.

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

Period for compulsory purchase of lands.

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

Correction of errors in deposited plans and book of reference.

7. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of West Sussex for the correction thereof and if it appear to the justices hearing the application that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof with the clerk of the Chichester Rural District Council and with the clerk of the parish council of the parish in which the lands are situate and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of

reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

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8.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making enlarging renewing maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of this Act shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

Corporation  
may acquire  
easements  
only in cer-  
tain cases.

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

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

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

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

**10.** The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands by this Act authorised to be taken and used or any of them for the purposes of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

Extinction  
of private  
rights of  
way.

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

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

Compensa-  
tion in case  
of recently  
acquired  
interest.

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

Further  
powers of  
entry.

**13.** At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice

without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

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14.—(1) The Corporation in addition to any other lands acquired or held by them in pursuance of this or any other Act may by agreement purchase take on lease acquire and hold for the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Corporation deem necessary for those purposes.

Power to purchase additional lands by agreement for protection of source of supply.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor (without the approval of the Minister) erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Corporation.

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

(4) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such

A.D. 1935. — lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

Reserva-  
tion of  
water rights  
&c. on sale.

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

Further  
powers for  
acquisition  
of land.

**16.**—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the city.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof or of an amount which is equivalent to the fair market value of such lands (whichever be the greater) shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

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

Power to  
retain sell  
&c. lands.

**17.**—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as

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

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

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

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

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Proceeds of  
sale of sur-  
plus lands.

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

(2) Any capital moneys received by the Corporation on the resale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

Dwelling-  
houses for  
employees  
and other  
buildings.

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

## PART III.

## WORKS.

Power to  
construct  
water-  
works.

**20.**—(1) Subject to the provisions of this Act the Corporation may in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works in the rural district of Chichester in the county of West Sussex (that is to say):—

Work No. 1 A well and pumping station in the parish of Funtington in the enclosure numbered 170 on the 1/2500 Ordnance map Sussex (West) sheet XLVIII.13 (edition of 1912);

Work No. 2 A line or lines of pipes commencing in the said parish of Funtington at the said pumping station and terminating in the parish of Lavant in the existing reservoir of the Corporation in Chalkpit Plantation. A.D. 1935.

(2) In addition to the foregoing works the Corporation may make and maintain within the limits of deviation of Work No. 1 shown on the deposited plans all such other wells shafts adits machinery works and apparatus as may be necessary or convenient in connection with or subsidiary to the works authorised by this Act.

21. The Corporation shall not construct the well and pumping station Work No. 1 and so much of the line or lines of pipes Work No. 2 as is shown on the deposited plans to be constructed in the field numbered 1 in the parish of Funtington unless within a reasonable period after the passing of this Act the Chichester Rural District Council fail to afford to the Corporation at cost price a supply in bulk of pure and wholesome water of such quantity at such point or points and otherwise on such terms and conditions as may be agreed between the Corporation and the said council Any question arising under this section shall be determined by the Minister.

Restriction on construction of certain works.

22. In the construction of the new works the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent Provided that except for the purposes of crossing over a stream or railway no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Limits of deviation.

23.—(1) If the new works are not completed within the period expiring on the first day of October one thousand nine hundred and forty then on the expiration of that period the powers by this Act granted for the making and completing of the new works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of new works.

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

Power to  
take waters.

**24.** Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking all such springs and waters as will or may be intercepted by the new works authorised by this Act.

Works to  
form part of  
under-  
taking.

**25.** Subject to the provisions of this Act the new works shall for all purposes form part of and be comprised in the water undertaking.

Exercise of  
powers of  
section 12  
of Water-  
works  
Clauses Act  
1847.

**26.** The Corporation may on all or any of the lands from time to time held by them execute for the purposes of or in connection with the water undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 other than wells and works for the taking and intercepting of water :

Provided that the Corporation shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Temporary  
stoppage of  
streets.

**27.**—(1) The Corporation during the execution of the works authorised by this Part of this Act may break up and with the consent of the road authority also temporarily stop up and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any house in the street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such house.

Application  
of Water-  
works  
Clauses Act  
1847 to  
discharge  
pipes tele-  
phones &c.

**28.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which accordingly they are hereby authorised to construct lay down or erect for the purposes of the water undertaking Provided that the Corporation shall not

without the previous consent of the county councilor the Southern Railway Company as the case may be exercise the powers of this section in respect of any county road or county bridge or any street repairable by the said company but such consents shall not be unreasonably withheld.

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**29.** Any electrical works or telephone or telegraph posts wires conductors or apparatus made laid down erected or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protec-  
tion of  
Postmaster-  
General.

**30.—(1)** For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any of the waterworks of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream ditch or watercourse Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter.

Discharge of  
water into  
streams.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Acts 1889 to 1934.

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

**31.** Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the

Meters in  
streets to  
measure  
water or  
detect  
waste.

A.D. 1935. — pipes supplying houses with water and may insert in a position (to be reasonably approved by the road authority where the Corporation are not themselves the road authority) in the footway of the road in which such service pipes or mains are laid or if there be no footway in a position as near as reasonably practicable to the premises supplied the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus :

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

Provided also that the Corporation shall not without the previous consent of the Southern Railway Company exercise the powers of this section in respect of any street or apparatus belonging to such company but such consent shall not be unreasonably withheld.

For protec-  
tion of cor-  
poration of  
Portsmouth.

**32.**—(1) The provisions of section 15 of the Electric Lighting Act 1882 and of sections 17 and 18 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to and with respect to the exercise by the Corporation of the powers conferred by this Act and the Corporation shall not interfere with the electric lines or works of the lord mayor aldermen and citizens of the city of Portsmouth (hereinafter referred to as “the Portsmouth Corporation”) except in accordance with such provisions and such provisions shall be deemed for the purposes of this section to extend to and to include any electric lines or works of the Portsmouth Corporation placed upon or above ground.

(2) Notwithstanding anything contained in the section of this Act of which the marginal note is “Temporary stoppage of streets” the Corporation shall not prevent the Portsmouth Corporation their officers or servants from passing along or using any street temporarily stopped up under the powers of that section and in which any electric lines or works of the Portsmouth Corporation are situate for the purpose of exercising any of their statutory powers.

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

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For protec-  
tion of  
county  
council.

- (1) In this section unless the context otherwise requires the expressions "road" and "bridge" mean respectively a road and a bridge under the management or control of the county council and the expression "bridge" includes the roadway over any such bridge and the approaches thereto :
- (2) All mains pipes and works of the Corporation (other than replacements) which may be laid in or along any road or in upon or across any bridge shall be laid in such position (if reasonably possible in or at the side thereof) and at such depth as the county council in writing under the hand of their surveyor may reasonably direct :
- (3) The notice required by section 30 of the Waterworks Clauses Act 1847 shall (except for laying connecting or repairing consumers' service pipes as to which three days' notice shall be given and except in emergency arising from defects in any of the pipes or other works) be not less than in the case of any bridge fourteen days instead of three days and in all other cases seven days instead of three days :
- (4) The plan required by section 31 of the last-mentioned Act shall (except as aforesaid) be delivered to the county council or their surveyor by the Corporation not less than in the case of any bridge fourteen days and in all other cases seven days before the Corporation commence to interfere with any bridge or to open or break up any road for the purpose of executing the works :
- (5) If the Corporation in the execution of any works in or affecting any road or bridge shall cause any damage injury or disturbance to such road or

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bridge and shall have failed to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the county council after reasonable notice to the Corporation of the alleged failure and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Corporation shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works :

- (6) Nothing in this Act shall authorise the Corporation to interfere with the structural part of any bridge without the consent in writing of the surveyor to the county council which consent shall not be unreasonably withheld and may be given upon such conditions (other than a money payment) as the county council or such surveyor may reasonably determine :
- (7) Nothing in this Act shall interfere with any right of the county council to alter the level of or deviate or improve any road in or along which any mains pipes or works of the Corporation shall have been laid and the Corporation shall with all reasonable speed after receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in such manner and to such extent as may be agreed or determined by arbitration and the county council shall repay to the Corporation all expenses reasonably incurred by the Corporation in complying with the provisions of this section and shall during the alteration deviation or improvement of any such road as aforesaid afford all reasonable facilities to enable the Corporation to carry temporarily their mains pipes and works along the road so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes :

- (8) Nothing in this Act shall prejudice or affect the right of the county council at any time to remove alter rebuild widen or repair any bridge in over or near to which any mains pipes or works of the Corporation are laid or attached in the same manner as they might have removed altered rebuilt widened or repaired such bridge if this Act had not passed and such mains pipes or works had not been laid in over or near to such bridge and if any such bridge in over or near to which any such mains pipes or works are laid or attached be removed altered rebuilt widened or repaired as aforesaid the Corporation shall (if and so far as may be reasonably necessary for the purpose of such removal alteration rebuilding widening or repairing) at their own cost alter the position of any such mains or pipes or the works by which the same are laid or attached as aforesaid Provided that during the removal alteration rebuilding widening or repairing of such bridge the county council shall afford all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes Provided also that if any such removal alteration rebuilding widening or repairing be required for any service or undertaking of or carried on by the county council they shall repay to the Corporation all expenses which the Corporation reasonably incur under this subsection :
- (9) Any difference which may arise between the county council and the Corporation under this section and any matter by this section required to be referred to arbitration shall be referred to an arbitrator to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

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For protec-  
tion of  
Southern  
Railway  
Company.

**34.** The following provisions for the protection of the Southern Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say) :—

- (1) Notwithstanding anything contained in this Act the Corporation shall not without the consent in writing of the company first obtained purchase or acquire any of the lands or property of the company required for or in connection with the construction of Work No. 2 by this Act authorised (in this section referred to as "the authorised work") but the Corporation may subject to and in accordance with the provisions of the section of this Act of which the marginal note is "Corporation may acquire easements only in certain cases" acquire and the company shall grant an easement or right of constructing and maintaining the authorised work :
- (2) The authorised work where the same passes over the Chichester and Midhurst line of the company south of Lavant Station shall at the option of the Corporation be carried over that railway by being fixed to the side of the bridge numbered on the deposited plans 7 in the parish of Lavant above the level of the arch or arches thereof or laid in the roadway over the bridge and in either case in accordance with plans sections and specifications previously submitted to and reasonably approved in writing by the chief engineer of the company (in this section referred to as "the engineer") and under his superintendence (if given) and to his reasonable satisfaction Provided that if the engineer does not express his approval or disapproval of the said plans sections and specifications within twenty-eight days after the same shall have been submitted to him he shall be deemed to have approved thereof :
- (3) The Corporation shall give twenty-one days' notice in writing before commencing the authorised work and such notice shall state the proposed date and time of such commencement :

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- (4) The authorised work shall be executed by and at the expense of the Corporation who shall restore and make good to the reasonable satisfaction of the engineer the railway works or property of the company and the road over any bridge and approaches which the company are liable to maintain so far as the same may be disturbed or interfered with by or in connection with the authorised work and shall to the like satisfaction maintain such road (so far as the same may have been interfered with by the execution of the authorised work) for three months after such restoration and for such further time (if any) not being more than twelve months in the whole as such road shall continue to subside :
- (5) The authorised work shall be constructed and maintained so as to cause as little injury or damage as may be to the railway of the company and so as not to cause any interruption to the passage or conduct of traffic thereon and if any such injury or interruption arises from the acts or operations of the Corporation from the bursting leakage or failure of the authorised work not due to the acts or defaults of the company all such injury shall forthwith be made good by the Corporation or if the company so elect by the company at the expense of the Corporation and the Corporation shall indemnify the company from all claims arising out of or in connection with any such injury or interruption and shall make compensation to the company in respect thereof :
- (6) The Corporation shall bear and on demand pay to the company the reasonable expenses incurred by the company of watching lighting and protecting the railway and property of the company with reference to and during the carrying out of the authorised work :
- (7) The Corporation shall if reasonably necessary so to do provide and maintain a sluice valve or valves at such point or points on any pipe passing over the railway of the company as the engineer may reasonably require :

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- (8) Any additional expense which the company may reasonably incur in effecting any repair renewal widening alteration or extension of their railway or other works in pursuance of any powers existing at the passing of this Act by reason of the existence of the authorised work over upon across or under the railway of the company shall be borne by the Corporation :
- (9) Any difference which may arise between the Corporation and the company under the preceding subsections except subsection (1) hereof shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference.

## PART IV.

## SUPPLY OF WATER &amp;C.

Extension  
of limits of  
supply.

**35.**—(1) The limits within which the Corporation may supply water shall extend to and include in addition to the existing limits so much of the parishes of Funtington and West Dean in the rural district of Chichester in the county of West Sussex as are not included in the existing limits.

(2) Subject to the provisions of this Act the Corporation shall have and may exercise within the extended limits all and the like powers privileges and authorities for and in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing limits.

Limits of  
pressure.

**36.** The water supplied by the Corporation need not at any time be delivered at a pressure greater than that afforded by gravitation from the service reservoir or tank from which the supply is given.

Increase of  
water rates.

**37.**—(1) As from the first usual quarter day after the passing of this Act the Chichester Water (Modification of Charges) Order 1926 except in so far as it relates to the

modification of the agreement dated the twenty-fifth day of April one thousand nine hundred and seven and made between the Corporation of the one part and certain persons for and on behalf of the Selsey Water Company of the other part and the provisions of the Selsey Water Act 1907 giving effect to the said agreement shall be repealed and sections 20 (Rates for supply of water for domestic purposes) and 21 (Rates for water-closets and baths) of the Act of 1897 shall be modified so as to authorise the Corporation to charge for a supply of water for the purposes mentioned in the said sections any rates and charges not exceeding by more than fifty per centum the maximum rates and charges prescribed by the said sections which shall have effect as though the words "net annual" were substituted for the word "rateable."

(2) Provided that so long as any additional rates and charges for the supply of water to consumers over and above the maximum rates and charges authorised by the said sections of the Act of 1897 (hereinafter referred to as "the original rates and charges") are levied and made by the Corporation under the powers of this Act the following relationship between the rates and charges within the city and within so much of the water limits as lies outside the city (in this section referred to as "the outside area") shall be observed (that is to say):—

- (a) When the rates and charges within the outside area exceed the original rates and charges by an amount not exceeding forty per centum the rates and charges within the city shall also exceed the original rates and charges by a percentage not being more than five per centum of the original charges below the additional percentage within the outside area;
- (b) When the rates and charges within the outside area exceed the original rates and charges by an amount exceeding forty per centum and not exceeding forty-five per centum the rates and charges within the city shall also exceed the original rates and charges by a percentage not being more than seven and a half per centum of the original charges below the additional percentage within the outside area; and

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(c) When the rates and charges within the outside area exceed the original rates and charges by an amount exceeding forty-five per centum the rates and charges within the city shall also exceed the original rates and charges by a percentage not being more than ten per centum of the original charges below the additional percentage within the outside area.

(3) Nothing in this section shall in any way affect the provisions of the Chichester Water (Modification of Charges) Order 1926 in so far as such provisions relate to the modification of the said agreement dated the twenty-fifth day of April one thousand nine hundred and seven and the provisions of the Selsey Water Act 1907 giving effect thereto.

Rates payable by owners of small houses.

**38.**—(1) Where the net annual value of a house does not exceed fifteen pounds or the house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered by the Corporation from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or agreement be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

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

Supply to houses partly used for trade &c.

**39.**—(1) The Corporation shall not be bound to supply with water otherwise than by meter—

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

(b) any hospital (whether public or private) or sanatorium;

(c) any club hotel assembly hall restaurant public-house inn or common lodging-house;

(d) any boarding-house or public institution capable of accommodating at least twelve persons including the persons usually resident therein; or

(e) any school.

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

(3) The minimum quarterly charge (exclusive of meter rent) for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a supply of water for domestic purposes to a dwelling-house of the same gross value.

40.—(1) Where a person who takes a supply of water for domestic purposes is the occupier of stables garages or other premises where horses or motor cars or other carriages are kept and the water supplied to that person for domestic purposes is used for horses or washing carriages or other purposes in or in connection with such premises the Corporation may—

Charges for horses and washing vehicles.

(a) if the water so used can be taken from a standpipe or tap (not being a standpipe or tap within any dwelling-house occupied with such premises) but no hosepipe or other similar apparatus be used in connection with such standpipe or tap charge in respect of the water so used such sum not exceeding ten shillings per annum as they may prescribe and where more carriages than one are kept a further sum not exceeding five shillings for each carriage beyond the first; and

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(b) if the water so used be used by means of a hosepipe or other similar apparatus charge in respect of the water so used such sum not exceeding twenty shillings per annum as they may prescribe and where more carriages than one are kept a further sum not exceeding ten shillings per annum for each carriage beyond the first.

(2) Any sums chargeable under subsection (1) of this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be payable at the same dates and be recoverable in all respects with and in the same manner as those rates.

(3) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in or in connection with stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of such hosepipe or other apparatus shall be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter.

Charges for  
supplies for  
refrigerating  
apparatus  
&c.

41. Where a person who takes a supply of water otherwise than by meter from the Corporation desires to use any of the water so supplied for or in connection with a refrigerating apparatus or other apparatus depending while in use on a supply of continuously running water the Corporation shall be entitled to require that all water so used shall—

(a) be taken by meter and paid for accordingly and if the consumer takes a supply for domestic purposes only the minimum quarterly charge for water so taken by meter shall be ten shillings; or

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

Special  
terms for  
supplies to

42.—(1) Notwithstanding anything in any Act relating to the Corporation a person shall not be entitled to demand or continue to receive from the Corporation a

supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

**43.** The Minister may if he thinks fit from time to time on the application of the Corporation or of the county council in so far as they are a local authority within the meaning of the Water Undertakings (Modification of Charges) Act 1921 or of any local authority having jurisdiction within the water limits by order vary either by way of increase or decrease the rates and charges for the supply of water which the Corporation are by this Act authorised to charge and such order may provide for the alteration of the basis of such rates and charges and the revocation of the charge for the first bath and the authorisation of a rate or rates for a supply of water for domestic purposes which includes water supplied for use for the first bath as well as for the first watercloset Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will provide a reasonable sum as a contribution towards a reserve fund in respect of the water undertaking so long as such fund does not amount to the maximum prescribed in relation to that fund by the section of this Act of which the marginal note is "Application of revenue of undertakings Reserve funds":

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caravans  
shacks and  
huts.Revision of  
water rates.

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Provided also that in the absence of exceptional reasons the Minister shall not alter the maximum rates and charges at less intervals than every five years.

As to value of two or more houses in one occupation.

**44.** Where two or more houses or buildings or parts of a house or building or of two or more houses or buildings connected by any means of communication not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of water rate chargeable by the Corporation in respect of any supply of water for domestic purposes furnished by the Corporation to any one or more of such two or more houses or buildings or such two or more parts of a house or building or of two or more houses or buildings to be one tenement having a value equal to the aggregate of the values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

Cisterns to be provided for high-level supplies.

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

Cleansing of cisterns.

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

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

**47.—(1)** In the case of all premises connected after the passing of this Act with the mains of the Corporation the Corporation may in cases where the communication pipes are laid by the person requiring a supply of water to any premises or by the Corporation at the request of such person require such person at the time when the pipes are laid to insert or to have inserted and thereafter

to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position (to be reasonably approved by the road authority where the Corporation are not themselves the road authority) in the footway of the street in which such pipe is laid or if there be no footway in a position as near as reasonably practicable to the premises supplied and if such person fails to comply with such requirement the Corporation may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

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

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

**48.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the Corporation or any officer of the Corporation duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence

Extension  
of power to  
inspect  
premises.

A.D. 1935. — be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Main-  
tenance of  
common  
pipe.

**49.** When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation or other officer duly authorised in that behalf by the Corporation.

Separate  
communi-  
cation pipes  
may be  
required.

**50.**—(1) The Corporation shall not be bound to supply with water more than one house or part of a house occupied as a separate tenement by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement supplied by them with water.

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

As to com-  
munication  
pipes.

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

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

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**52.** If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation in like manner as the water rates in respect of the premises are recoverable. Provided that (except in emergency) the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises (and if the water rates in respect of the house or premises are payable by the owner thereof to such owner) not less than twenty-four hours' previous notice of their intention so to enter.

Power to  
Corporation  
to repair  
communi-  
cation pipes.

**53.** Notwithstanding anything in any Act relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting.

Corpora-  
tion to  
connect  
communi-  
cation  
pipes with  
mains.

A.D. 1935.

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Injuring  
meters &c.

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

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use (as the case may be) has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

As to  
register of  
meters.

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

rate is charged and sought to be recovered by the Corporation. A.D. 1935.

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

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

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

Notice to Corporation of connecting or disconnecting meters.

**57.—(1)** Any fittings let for hire by the Corporation under the provisions of section 28 (Power to sell or let meters &c.) of the Act of 1897 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously

Fittings let for hire not to be subject to distress &c.

A.D. 1935. impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

(2) Subject to the proviso to subsection (1) of this section all fittings let by the Corporation on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Corporation Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Penalty for interfering with valves &c.

**58.** Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847.

Penalty for closing valves and apparatus.

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

Guarantees by district councils.

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

of water within any part of such district which is within the water limits. A.D. 1935.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Corporation under this section :

Provided that subject to the provisions of subsections (4) and (5) of section 190 of the Local Government Act 1933 any expenditure incurred by a rural district council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

**61.** The Corporation may enter into and carry into effect agreements with any local authority body, company or person supplying water under parliamentary authority and with the approval of the Minister in the case of any water intended for domestic consumption with any other local authority body, company or person for the purchase of water in bulk by the Corporation for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Corporation for the purposes of the water undertaking. Purchase of  
water in  
bulk.

## PART V.

### ELECTRICITY.

**62.**—(1) If the owner or occupier of any premises erected or in process of erection within the electricity limits on land abutting on any street laid out as such but not dedicated to the public use or if so dedicated not repairable by the Corporation applies to the Corporation for a supply of electricity to those premises then— Power to  
break up  
private  
streets.

(a) so much of any Act or Order applying to the Corporation as requires the consent of the person by whom the street is repairable to the breaking up by the Corporation of the street shall not have effect in relation to the street ;

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- (b) the Gasworks Clauses Act 1847 in its application to the Corporation shall have effect in relation to the land comprised in the street as if section 7 thereof had been excepted from incorporation with the Acts applying to the Corporation; and
- (c) except in the case of such streets as are referred to in subsection (2) of this section the authority who would be responsible for the maintenance and repair of the street if it were repairable by the inhabitants at large shall have the like rights under section 15 of the schedule to the Electric Lighting (Clauses) Act 1899 as are thereby conferred on the person by whom the street is repairable.

(2) Nothing in this section shall authorise the breaking up by the Corporation of any street which is repairable by a railway company without the consent in writing of such company but such consent shall not be unreasonably withheld.

(3) Any question arising under subsection (2) of this section as to whether a consent is unreasonably withheld or as to whether any terms or conditions are unreasonable shall be determined by the Minister of Transport.

Attachment  
of brackets  
&c. to  
buildings  
and bridges.

**63.**—(1) Notwithstanding anything in section 7 of the Gasworks Clauses Act 1847 the Corporation may with the consent in writing of the owner of any building or any bridge over any street attach thereto such brackets electric lines and attachments (in this section called “attachments”) as may be required for the purposes of the electricity undertaking.

(2) Where in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

- (a) any building forming part of an aerodrome licensed pursuant to an order made under the

Air Navigation Act 1920 or any Act amending A.D. 1935.  
replacing or consolidating the same; or

(b) any building which the owner thereof alleges to be a building of architectural or historic interest; or

(c) any building or bridge owned by any highway authority railway company or by any gas water or electricity undertakers;

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or bridge they may appeal in the case of a building owned by gas undertakers to the Board of Trade in the case of a building owned by water undertakers to the Minister and in any other case to the Minister of Transport and the Board or Minister may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they or he think fit or disallow the attachments:

Provided that the Minister of Transport shall—

(i) before exercising his powers under this section in relation to any building forming part of such an aerodrome as aforesaid consult with the President of the Air Council;

(ii) before exercising his powers under this subsection with respect to any building alleged to be of architectural or historic interest consult with the Commissioners of Works.

(4) Where any attachments have been affixed to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or bridge the subsequent owner may give to the Corporation notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall within three months after the service of the notice remove the attachments:

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(5) Where any attachments have been made under this section to any building or bridge the owner of the building or bridge may require the Corporation at their

A.D. 1935. own expense temporarily to remove the attachments  
— where necessary during any reconstruction or repair of  
the building or bridge.

(6) In this section the expression “owner”—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remains unexpired means the occupier of the building;

(b) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

(c) in relation to a building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 means (notwithstanding anything in this subsection) the person having control of the aerodrome;

and the expression “own” shall be construed accordingly and the expression “rack rent” means in relation to a building a rent which is not less than two-thirds of the full net annual value of the building.

Further powers as to entry upon premises.

**64.**—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows:—

(a) The premises which may be entered shall include all premises in the electricity limits in which electric fittings are being or have been installed with a view to taking a supply of electricity from the Corporation;

(b) The purposes for which premises may be entered shall include the following purposes that is to say the inspection of all meters and electric fittings on the premises whether belonging to the Corporation or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders applying to the Corporation or of any regulation or byelaw made thereunder and (where the Corporation are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises) the cutting off of such supply.

The Corporation shall not have any power of entry into any such premises except through an officer duly authorised by the Corporation who shall if so required produce his authority.

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(2) Any person who shall refuse to admit any such officer of the Corporation to any premises which they are entitled to enter in pursuance of the said section 24 as amended by this section or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) For the purposes of this section "electric fittings" include electric lines meters accumulators fittings works and apparatus for the supply of electricity.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway company for the purpose of their railway and forming part of any station or goods depot.

**65.** Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person (other than authorised distributors) to whom the Corporation are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

Agreements  
for supply  
of electri-  
city.

A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and—

(a) The provisions of that section shall apply to the supply afforded by the Corporation under such agreement;

A.D. 1935.  
—

(b) Any failure on the part of the Corporation to supply energy to such consumer under the agreement shall not render them liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation :

Provided that—

- (i) nothing in this section shall apply in relation to any agreement which expressly excludes the application of this section; and
- (ii) the provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

As to maximum power which may be demanded.

**66.** Except in the case of electricity supplied in pursuance of any agreement the maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for the premises of such consumer and any question as to whether the provisions of this section apply and if so the sum to be paid shall be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

Use for one purpose of electricity supplied for another purpose.

**67.**—(1) Where the charges made by the Corporation for electricity supplied by them for one purpose are less than the charges made by them for electricity supplied for another purpose electricity supplied by the Corporation for the first-mentioned purpose shall not without the consent in writing of the Corporation be used (whether after transformation or conversion or not) for the last-mentioned purpose and if any person to whom any electricity is supplied uses it or suffers it to be used in contravention of the provisions of this section he shall be



A.D. 1935. — for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided so however that the powers conferred by this section shall not enable the Corporation to extend the transformer so provided beyond the limits of the original site thereof.

Charges for special readings of electricity meters.

**71.** The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading.

Period of error in defective meters.

**72.—(1)** Where a meter supplied by the Corporation to a consumer is found on a test to register erroneously to a degree exceeding the degree permissible as respects meters of the class to which the meter belongs it shall in the absence of agreement to the contrary be deemed to have registered erroneously to the degree so found from the penultimate date on which the register of the meter was ascertained before the date on which the meter was tested or removed for the purpose of the test except in a case where the meter is proved to have begun to register erroneously as aforesaid on some date after such penultimate date.

(2) The amount of the allowance to be paid to or the surcharge to be made upon such consumer by the Corporation shall be paid by or to the Corporation as the case may be and in the case of a surcharge shall be recoverable in the like manner as charges for electricity are recoverable.

(3) Nothing in this section shall affect the rights of the Corporation under section 38 of the Gasworks Clauses Act 1871 (which relates amongst other things to the injuring of meters).

(4) The Corporation shall notify the consumer at least forty-eight hours in advance of any test of his meter and shall notify the consumer of the result of the test.

**73.**—(1) The provisions of section 38 (Penalty for injuring meters) of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus.

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—  
Protection  
of seals &c.  
belonging to  
Corporation.

(2) If any person accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid he shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Corporation and any person who fails to comply with the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

**74.**—(1) The Corporation for the purpose of preventing fire in or injury to any building or premises supplied or proposed to be supplied with electricity by the Corporation or injury to any person may make byelaws with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply.

Byelaws as  
to wires  
apparatus  
and fittings.

(2) The provisions of this section shall not apply to any place or premises occupied as a factory or workshop nor to any place or premises to which the Factory and Workshop Act 1901 applies and shall not in any way affect the operation of that Act.

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings of any railway company.

**75.**—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by

Notice to  
discontinue  
supply of  
electricity.

A.D. 1935. — post to the office of the Corporation or be given by the consumer personally at such office.

(2) Notice of the effect of this section shall be endorsed on any demand note for charges for electricity.

## PART VI.

## FINANCIAL.

Power to  
borrow.

**76.**—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements for the construction of the waterworks authorised by this Act.	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) The construction of the waterworks authorised by this Act.	£33,000	Forty years from the date or dates of borrowing.
(c) Water mains and other waterworks purposes.	£7,000	Forty years from the date or dates of borrowing.
(d) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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

respects that money be the fixed period for the purpose of the said Part IX. A.D. 1935.

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

**78.—(1)** The Corporation may give notice to any person being registered as a holder of any mortgage bond or other security of the Corporation (in this section referred to as an authorised security) that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register. Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same by post to such other person at such address. Dividend warrants by post.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation by any other of them.

(3) The posting by the Corporation of an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

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Closing of  
registers.

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

Use of  
moneys  
forming  
part of  
sinking and  
other funds.

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

- (1) The moneys so used shall be repaid out of the general rate fund within the period and by the method within and by which a loan raised under the statutory borrowing power would be repayable:

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

- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking

or purpose with reference to which the moneys are so used : A.D. 1935.

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

**81.**—(1) The Corporation may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called “ the renewal and repairs fund ” (a) any sum not exceeding an amount equal to twelve and one half per centum of the cost incurred by the Corporation (otherwise than for the purposes of the undertakings of the Corporation) in connection with the provision of horses carts mechanically propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year and (b) any sum not exceeding the average annual cost incurred by the Corporation during the previous three years in connection with the maintenance and repair of buildings. Renewal  
and repairs  
fund.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed three thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works equipment and buildings referred to in subsection (1) of this section which are not comprised in the water and electricity undertakings of the Corporation and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (3) of this section such moneys shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income

A.D. 1935. — arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

Receipts  
and  
expenses.

**82.**—(1) Notwithstanding anything contained in any other Act or Order all moneys received by the Corporation whether on capital or revenue account including (but without prejudice to the generality of this provision)—

- (a) all money received on account of the revenue of any of the undertakings of the Corporation;
- (b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals repairs contingency or other similar fund (including any interest payable to any such fund or any other fund in pursuance of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds");

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

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

**83.**—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking including the income from any reserve or other similar fund formed in connection with the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

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Accounts of  
under-  
takings.

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain; and
- (f) Any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is “Application of revenue of undertakings Reserve funds.”

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

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

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—  
Application  
of revenue  
of under-  
takings  
Reserve  
funds.

**84.**—(1) If in respect of any year the moneys received by the Corporation on account of the revenue of any of the undertakings of the Corporation (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section the Corporation may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in respect of any of the undertakings of the Corporation by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used under the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds") investing the same in statutory securities until the fund so formed amounts in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking and in the case of other undertakings to the maximum reserve fund from time to time prescribed by the Corporation.

(2) Any reserve fund which has been provided in respect of any undertaking of the Corporation and which

is in existence on the first day of April one thousand nine hundred and thirty-five shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

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(3) Any reserve fund provided under this section may be applied—

(a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or

(b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or

(c) (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

**85.**—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions (in addition to the provisions of the section of this Act of which the marginal note is “Application of revenue of undertakings Reserve funds”) shall apply with respect to the electricity undertaking (namely):—

Provisions  
as to sur-  
plus elec-  
tricity  
revenue.

If in respect of any year the moneys received by the Corporation on account of the revenue of the undertaking (including the interest and annual

A.D. 1935.  
—

proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act whereof the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended in respect of the undertaking for the several purposes mentioned in paragraphs (a) to (f) of subsection (1) of the section of this Act whereof the marginal note is "Accounts of undertakings" then—

(a) If the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expended for the time being upon the undertaking the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) If the said reserve fund amounts to more than one-twentieth of the said aggregate capital the Corporation shall fix such amount as they may think fit (not being less in any case in which the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between that sum and the said excess) and the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

(2) The Corporation shall in every year so long as any reserve fund provided in respect of the electricity undertaking is less than the prescribed maximum transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the said reserve fund and carried to the general rate fund.

**86.**—(1) The five last preceding sections of this Act shall be deemed to have come into operation on the first day of April one thousand nine hundred and thirty-five.

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—  
Date of  
operation  
of certain  
sections and  
repeal.

(2) As from the said date the following sections of the Act of 1897 shall be repealed (that is to say):—

Section 55 (Separate accounts to be kept as to water);

Section 56 (Application of revenue of water undertaking);

Section 57 (As to deficiency in receipts).

## PART VII.

### MISCELLANEOUS.

**87.** The Corporation may if they think fit make an allowance by way of discount not exceeding five per centum on all sums of money due to the Corporation for the supply of water and electricity from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges. Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

Discounts  
for prompt  
payment.

**88.** The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the water or electricity undertakings.

Service of  
water and  
electricity  
notices and  
demand  
notes.

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

Recovery  
of rates and  
charges  
from per-  
sons re-  
moving.

A.D. 1935. — person until the complaint is determined upon the return of the summons.

Authentica-  
tion and  
service of  
notices &c.

**90.**—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the city requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

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

Evidence of  
appoint-  
ments  
authority  
&c.

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

Damages  
and charges  
to be settled  
by court.

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

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

A.D. 1935

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Recovery of demands.

**94.** Where the payment of more than one sum by any person is due under any Act or Order relating to the Corporation any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several sums in one summons.

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

Recovery of penalties &amp;c.

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

Saving for indictments &amp;c.

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

Application of section 265 of Public Health Act 1875.

**98.** The Minister and the Minister of Transport respectively may hold such inquiries as they consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and

Inquiries by Minister and Minister of Transport.

A.D. 1935. — section 290 of the Local Government Act 1933 shall apply accordingly.

General provision as to byelaws.

**99.** As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be—

- (a) in the case of byelaws under Part V (Electricity) of this Act the Electricity Commissioners Provided that the Electricity Commissioners may give directions that the notice referred to in subsection (3) of the said section 250 shall be also given in one or more newspapers circulating outside the area to which the byelaws apply;
- (b) in all other cases the Minister.

Judges not disqualified.

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

Powers of Act cumulative.

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

Repeal.

**102.** The following sections of the Act of 1897 are hereby repealed :—

- Section 8 (As to future supply of parishes of Bosham and Funtington by Westbourne Rural District Council);
- Section 32 (Corporation not bound to supply several houses by one pipe);
- Section 36 (Constant pressure);
- Section 37 (Rates payable by owner for small houses);
- Section 47 (Regulations as to sinking fund);

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|------------|--|------------|
| Section 48 | (Appointment of a receiver);               | A.D. 1935. |
| Section 49 | (Annual return to Local Government Board); | —          |
| Section 50 | (Power to reborrow);                       |            |
| Section 51 | (Protection of lender from inquiry);       |            |
| Section 54 | (Corporation not to regard trusts).        |            |

**103.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose. Costs of Act.

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