CHAPTER lxxviii.

An Act to empower the mayor aldermen and burgesses of the borough of Hastings to construct additional waterworks and to acquire lands to extend their limits for the supply of water to confer upon them further powers with respect to their water and electricity undertakings to empower them to purchase in certain circumstances the undertaking of the Hastings Tramways Company to make further provision for the improvement health good government and finance of the borough and for other purposes. [13th July 1937.]

A.D. 1937.

WHEREAS the borough of Hastings (in this Act called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") acting by the council of the borough:

And whereas the Corporation are the owners of a water undertaking and under statutory authority supply water in the borough:

And whereas it is expedient that the Corporation should be empowered to construct the new works described in this Act and that the limits of the Corporation for the supply of water should be extended:

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their water undertaking:

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And whereas it is expedient that the Corporation should be authorised to acquire lands for the purposes of the said works and for other purposes:

And whereas the Corporation are the owners of an electricity undertaking and are empowered to supply electricity within the borough and certain areas in the neighbourhood thereof:

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their electricity undertaking:

And whereas the Hastings Tramways Company (in this Act called "the tramways company") under and by virtue of the Hastings Tramways Acts 1900 to 1930 are operating services of trolley vehicles within the borough and the borough of Bexhill:

17 & 18 Geo. 5. c. lxix.

And whereas by the Hastings Tramways Company (Trolley Vehicles) Act 1927 provision was made for the compulsory purchase by the Corporation of so much of the undertaking of the tramways company as is situate within the borough at recurrent dates the first of which is the thirtieth day of June nineteen hundred and forty-five but the powers of compulsory purchase conferred upon the Corporation are exerciseable only if the mayor aldermen and burgesses of the borough of Bexhill (in this Act called "the Bexhill Corporation") purchase at one and the same time the remainder of the said undertaking:

And whereas it is expedient that such powers should be conferred on the Corporation as are in this Act contained with respect to the purchase of the whole of the undertaking of the tramways company:

And whereas it is expedient that further and better provision should be made for the improvement health and local government of the borough and that the powers of the Corporation in regard thereto should be enlarged as in this Act provided:

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

And whereas it is expedient that the other provisions contained in this Act should be enacted: A.D. 1937.

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

And whereas an estimate has been prepared by the Corporation of the expense of the works hereinafter mentioned and such estimate is as follows:—

	£
For the construction of waterworks -	663,731

And whereas the several works included in such estimate 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 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 said new works 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 town clerk of the borough and with the clerk of the county council of the administrative county of East Sussex (in this Act called "the county council") and such plans sections and book of reference 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 Part XIII of the Local Government Act 1933 have been observed: 23 & 24 Geo. 5. c. 51.

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):—

Part I.

Preliminary.

1. This Act may be cited as the Hastings Corporation (General Powers) Act 1937. Short title.

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Part I. —*cont.*

Act divided into Parts.

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

Part I.—Preliminary.
Part II.—Waterworks &c.
Part III.—Lands &c.
Part IV.—Supply of water &c.
Part V.—Electricity.
Part VI.—Trolley vehicles.
Part VII.—Camping grounds tents &c.
Part VIII.—Buildings and sewers.
Part IX.—Infectious disease and sanitary provisions.
Part X.—Food.
Part XI.—Sale of coke &c.
Part XII.—Weighing machines.
Part XIII.—Superannuation.
Part XIV.—Finance.
Part XV.—Miscellaneous.
Part XVI.—General.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act and for the purposes of such incorporated Acts this Act shall be deemed to be the special Act within the meaning of any such Act and "the promoters of the undertaking" "the undertakers" or "the company" where used in those Acts shall mean the Corporation (that is to say):—

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

8 & 9 Vict. c. 18.

(*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— 10 & 11 Vict. c. 17.

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

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

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

(3) The Waterworks Clauses Act 1863: 26 & 27 Vict. c. 93.

(4) The clauses and provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and also section 16 (Works to be executed) of that Act: 8 & 9 Vict. c. 20.

Provided that in the said provisions of the Railways Clauses Consolidation Act 1845 " the railway " shall mean the waterworks and " the centre of the railway " shall mean the centre lines as shown on the deposited plans of the aqueducts conduits or lines of pipes authorised by this Act and the top water line of the reservoir so authorised and " the prescribed limits " for the purposes of section 30 shall be four hundred yards and for the purposes of section 32 four hundred yards.

Interpretation.

4.—(1) In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 have the same respective meanings and where in any particular part of the said Act of 1936 special meanings are assigned to words or expressions occurring therein those words or expressions have the same respective meanings in any provisions of this Act dealing with the same subject matter as that part of the said Act of 1936. 26 Geo. 5. & 1 Edw. 8. c. 49.

A.D. 1937.

Part I. —*cont.*

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

"The borough" means the borough of Hastings;

"The council" means the council of the borough;

"The Corporation" means the mayor aldermen and burgesses of the borough acting by the council;

"The town clerk" "the treasurer" "the medical officer" "the surveyor" and "the sanitary inspector" mean respectively the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the Corporation;

"The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;

"The deposited plans" "the deposited sections" and "the deposited book of reference" mean respectively the plans sections and book of reference deposited with the town clerk and with the clerk of the county council in relation to the Bill for this Act;

"The new works" means the works described in the section of this Act of which the marginal note is "Description of new works";

"The waterworks" means the new works 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 added water limits" means such of the areas referred to in subsection (1) of the section of this Act of which the marginal note is "Extension of water limits" as are for the time being included in the limits within which the Corporation may supply water;

"The water limits" means the limits within which the Corporation are for the time being authorised to supply water;

"The county council" means the county council of the administrative county of East Sussex;

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PART I. —*cont.*

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

"The Battle Council" means the rural district council of Battle;

"The date on which the Darwell reservoir is ready for use" means the date on which the Darwell reservoir (Work No. 12 authorised by this Act) is first filled with water to a level of one hundred and fifteen feet above Ordnance datum (Newlyn);

"The electricity undertaking" means the electricity undertaking of the Corporation as from time to time authorised;

"The electricity limits" means the limits within which the Corporation are for the time being authorised to supply electricity;

"The Act of 1885" means the Hastings Improvement Act 1885; — 48 & 49 Vict. c. cxcvi.

"The Act of 1900" means the Hastings Corporation Act 1900; — 63 & 64 Vict. c. cclxvi.

"The Act of 1924" means the Hastings Corporation Act 1924; — 14 & 15 Geo. 5. c. lxxxviii.

"The Act of 1928" means the Hastings Corporation Act 1928; — 18 & 19 Geo. 5. c. xxvii.

"The Public Health Acts" means the Public Health Act 1875 and the Acts amending or extending the same and includes the Public Health Act 1936; — 38 & 39 Vict. c. 55.

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919; — 9 & 10 Geo. 5. c. 57.

"The Minister" means the Minister of Health;

"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;

Part I. —*cont.*

18 & 19 Geo. 5. c. 31.

"Food" has the meaning assigned to that word by section 34 of the Food and Drugs (Adulteration) Act 1928;

"Daily penalty" means a penalty for each day on which an offence is continued by a person after conviction thereof;

"The undertakings of the Corporation" means the water undertaking and the electricity undertaking and any other undertakings of the Corporation as from time to time existing from which revenue is derived;

"Statutory borrowing power" includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (*a*) of subsection (1) of section 215 (Temporary loans &c.) of the Local Government Act 1933;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any security of the Corporation;

38 & 39 Vict. c. 83.

"Authorised security" means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;

"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;

41 & 42 Vict. c. 76.

"Communication pipe" includes service pipe;

"Electric line" has the same meaning as in the Electric Lighting Act 1882;

45 & 46 Vict. c. 56.

"The Ordnance map" means the Ordnance map on the scale of 1/2500 and references to sheets of the Ordnance map are to the relative sheets for Sussex (East) and except where otherwise stated to the edition of 1930.

PART II.

WATERWORKS &c.

Power to make waterworks.

5.—(1) Subject to the provisions of this Act the Corporation may in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the new works in this Part of this Act described.

(2) In addition to the foregoing works the Corporation may upon the lands for the time being belonging to them for the purposes of the water undertaking or in respect of which they may obtain easements make and maintain all such works buildings machinery plant and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the new works or any of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them:

Provided that any electrical works machinery plant or apparatus made or maintained under the provisions of this subsection 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.

Description of new works.

6. The new works hereinbefore referred to and authorised by this Part of this Act are—

In the administrative county of East Sussex—

In the rural district of Battle—

Work No. 1 A weir across the river Dudwell commencing in the parish of Brightling in the enclosure numbered 266 in that parish on the Ordnance map sheet No. XXIX.16 (edition of 1909) and terminating in the parish of Burwash in the enclosure numbered 691 in that parish on the said sheet;

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Part II.
—*cont.*

Work No. 2 An aqueduct conduit or line or lines of pipes with intake in the parish of Burwash commencing at or in the weir Work No. 1 hereinbefore described and terminating by a junction with Works Nos. 4 and 5 hereinafter described in the enclosure numbered 791 in that parish on the Ordnance map sheet XXIX.16 (edition of 1909);

Work No. 3 A weir in the parish of Burwash in the enclosure numbered 591 in that parish on the Ordnance map sheet XXIX.16 (edition of 1909) across the stream known as the Park Mill Stream;

Work No. 4 An aqueduct conduit or line or lines of pipes with intake in the parish of Burwash commencing at or in the weir Work No. 3 hereinbefore described and terminating by a junction with Work No. 2 hereinbefore described and Work No. 5 hereinafter described in the enclosure numbered 791 in that parish on the Ordnance map sheet XXIX.16 (edition of 1909);

Work No. 5 An aqueduct conduit or line or lines of pipes commencing in the parish of Burwash by a junction with Works Nos. 2 and 4 hereinbefore described in the last-mentioned enclosure and terminating in the parish of Brightling by a junction with Works Nos. 7 and 8 hereinafter described in the enclosure numbered 91 in that parish on the Ordnance map sheet XXX.13 (edition of 1909);

Work No. 6 A weir in the parish of Brightling across the stream known as the Socknersh Stream commencing in the enclosure numbered 113 in that parish on the Ordnance map sheet XXX.13 (edition of 1909) and terminating in the enclosure numbered 114 in that parish on the said sheet;

Work No. 7 An aqueduct conduit or line or lines of pipes with intake in the parish of Brightling commencing at or in the weir Work No. 6 hereinbefore described and terminating by

a junction with Work No. 5 hereinbefore described and Work No. 8 hereinafter described in the enclosure numbered 91 in that parish on the Ordnance map sheet XXX.13 (edition of 1909);

Work No. 8 An aqueduct conduit or line or lines of pipes in the parish of Brightling commencing by a junction with Works Nos. 5 and 7 hereinbefore described in the last-mentioned enclosure and terminating by a junction with Works Nos. 10 and 11 hereinafter described in enclosure numbered 536 in that parish on the Ordnance map sheet XLIII.2;

Work No. 9 A weir in the parish of Brightling in the enclosure numbered 536 in that parish on the Ordnance map sheet XLIII.2 across the stream known as the Glottenham Stream;

Work No. 10 An aqueduct conduit or line or lines of pipes with intake in the parish of Brightling commencing at or in the weir Work No. 9 hereinbefore described and terminating by a junction with Work No. 8 hereinbefore described and Work No. 11 hereinafter described in the last-mentioned enclosure;

Work No. 11 An aqueduct conduit or line or lines of pipes commencing in the parish of Brightling by a junction with Works Nos. 8 and 10 hereinbefore described in the said last-mentioned enclosure and terminating in the parish of Mountfield in the reservoir (Work No. 12) hereinafter described in the enclosure numbered 56 in that parish on the Ordnance map sheet XLIII.2;

Work No. 12 A reservoir (to be called "the Darwell reservoir") in the parishes of Mountfield Brightling and Battle or some of them to be formed by a dam or embankment in the parish of Mountfield across the Darwell Stream and to extend from the said dam or embankment—

(*a*) Up the valley of the Darwell Stream for a distance of 6300 feet or thereabouts;

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Part II. —*cont.*

(*b*) Up the valley of the tributary which flows into the Darwell Stream at or near the north-eastern corner of the enclosure numbered 443 in the parish of Mountfield on the Ordnance map sheet XLIII.6 for a distance of 1175 feet or thereabouts from the junction of that tributary with the Darwell Stream;

(*c*) Up the valley of the tributary which flows into the Darwell Stream at or near the north-eastern corner of the enclosure numbered 49 in the parish of Mountfield on the Ordnance map sheet XLIII.2 for a distance of 2480 feet or thereabouts from the junction of that tributary with the Darwell Stream;

The said dam or embankment will commence in the enclosure numbered 74 in the parish of Mountfield on the Ordnance map sheet XLIII.6 and terminate in the enclosure numbered 40 in that parish on the Ordnance map sheet XLIII.2;

Work No. 13 An aqueduct conduit or line or lines of pipes commencing in the parish of Mountfield at or in the reservoir Work No. 12 hereinbefore described in the enclosure numbered 74 in that parish in the last-mentioned sheet passing through the parishes of Whatlington and Sedlescombe and terminating in the parish of Brede by a junction with Work No. 14 hereinafter described in the enclosure numbered 783A in that parish on the Ordnance map sheet XLIV.14 (edition of 1929);

Work No. 14 An aqueduct conduit or line or lines of pipes in the parish of Brede commencing by a junction with Work No. 13 hereinbefore described in the last-mentioned enclosure and terminating at or in the pumping station Work No. 15 hereinafter described;

Work No. 15 A pumping station in the parish of Brede to be formed by way of extension

of the Corporation's existing Brede Valley Waterworks in the enclosure numbered 783 in that parish on the Ordnance map sheet XLIV.14 (edition of 1929).

Power to deviate.

7. In the construction of any of the new works or any part of any such work the Corporation may deviate from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans and where on any road no such limits are shown the boundaries of such road (including for this purpose any roadside waste forming part of or adjoining such road) shall be deemed to be such limits and they may also deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding eight feet upwards and to any extent downwards:

Provided that the Corporation shall not construct any embankment or wall of the the Darwell reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition and that except for the purposes of crossing over a stream no part of any aqueduct conduit or line or lines of pipes authorised by this Act shall be raised above the surface of the ground except so far as is shown on the deposited sections.

Power to stop up footpath.

8. The Corporation may stop up the public footpath referred to in the next following table between the points shown upon the deposited plans and thereupon all public rights of way over the public footpath so stopped up shall be extinguished:—

Work &c.	Parish.	Nos. of public footpath on deposited plans.
Work No. 12 - - -	Mountfield	30 7 33.
Additional lands - - -	Mountfield	33 33A 33B.

Power to divert footpaths.

9. The Corporation may divert the public footpaths referred to in the next following table in the manner shown upon the deposited plans and subject to the

A.D. 1937.

Part II. —*cont.*

provisions of this Part of this Act may stop up and cause to be discontinued as a footpath each of the said existing footpaths between the points shown on the said plans (that is to say):—

Work &c.	Parish.	Nos. of footpaths on deposited plans.
Work No. 12 - - -	Battle	5.
Work No. 12 - - -	Mountfield	9 24 30 125.
Work No. 12 - - -	Brightling	23 27.
Work No. 12 - - -	Mountfield	24 11 15.
Additional lands - - -	Mountfield	125.
Additional lands - - -	Brightling	27.
Additional lands - - -	Mountfield	15.

Power to stop up bridle road.

10. The Corporation may stop up the bridle road referred to in the next following table between the points shown upon the deposited plans and thereupon all public rights of way over the said bridle road so stopped up shall be extinguished:—

Work &c.	Parish.	No. of bridle road on deposited plan.
Additional lands - - -	Battle	5.

Power to divert bridle road.

11. The Corporation may divert the bridle road referred to in the next following table in the manner shown upon the deposited plans and subject to the provisions of this Part of this Act may stop up and cause to be discontinued as a bridle road the said existing bridle road between the points shown on the said plans (that is to say):—

Work &c.	Parish.	Nos. of bridle road on deposited plans.
Work No. 12 - - -	Battle	5.
Work No. 12 - - -	Mountfield	9 24 30 125.
Work No. 12 - - -	Brightling	23 27.
Additional lands - - -	Mountfield	125.
Additional lands - - -	Brightling	27.

Stopping up of footpaths and bridle road in case of diversion.

12. Where this Part of this Act authorises the diversion of a public footpath or bridle road and the stopping up of an existing public footpath or bridle road or any portion thereof such stopping up shall not take place until two justices shall have certified that the new footpath or bridle road has been completed to their satisfaction and is open for public use The said certificate shall be delivered to the clerk of the peace of the county of East Sussex for the purpose of enrolment amongst the records of the court of quarter sessions As from the date of the said certificate all rights of way over or along the existing footpath or bridle road or portion thereof shall be extinguished and the Corporation may (subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines along under or near to the railway) appropriate and use for the purposes of the water undertaking the site of the footpath or bridle road or portion of footpath or bridle road stopped up so far as the same is bounded on both sides by lands of the Corporation:

Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement:

Provided also that nothing in this Act shall be deemed to impose upon the county council any liability for the maintenance or repair of any such new footpath or bridle road.

Period for completion.

13. If the new works are not completed within the period of twenty years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to so much of them or so much thereof respectively as shall then be completed:

Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of the new works as and when occasion may require.

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Part II. —*cont.*

Power to take water.

14. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of the river Dudwell the Park Mill Stream the Socknersh Stream the Glottenham Stream and the Darwell Stream and all such streams springs and waters as will or may be taken or intercepted by means of the waterworks.

Limiting powers of Corporation to abstract water.

15. The Corporation shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them unless the works and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Provisions respecting abstraction of water.

16.—(1) The Corporation under the powers of this Act shall not during the months of May June July August and September in any year take any water from the respective streams mentioned in the first column of the following table during such time as the flow in that stream at or immediately below the work mentioned opposite thereto in the second column of the said table shall be at a rate less than the rate mentioned opposite thereto in the third column of the said table (namely) :—

1.	2.	3.
Name of stream.	Work authorised by this Act.	Rate in gallons per twenty-four hours.
River Dudwell - - -	Work No. 1	529,100
Park Mill Stream - - -	Work No. 3	41,200
Socknersh Stream - - -	Work No. 6	90,600
Glottenham Stream - - -	Work No. 9	39,200

or the normal summer rate of flow in that stream as and when ascertained under subsection (12) of this section whichever shall be the greater.

(2) If the Rother and Jury's Gut Catchment Board (in this section referred to as "the catchment board") by previous notice in writing to the Corporation from time to time so require the Corporation under the powers of this Act shall not during such day or days in the months of April and October in any year as may be specified by the catchment board in such notice

take any water from the respective streams mentioned in the first column of the table set forth in subsection (1) of this section during such time as the flow in that stream at or immediately below the work mentioned opposite thereto in the second column of the said table shall be at a rate less than the rate mentioned opposite thereto in the third column of the said table.

(3) The Corporation under the powers of this Act shall not during the months of January February March November and December and (subject to the provisions of subsection (2) of this section) during the months of April and October in any year take any water from the respective streams mentioned in the first column of the following table during such time as the flow in that stream at or immediately below the work mentioned opposite thereto in the second column of the said table shall be at a rate less than the rate mentioned opposite thereto in the third column of the said table (namely) :—

1.	2.	3.
Name of stream.	Work authorised by this Act.	Rate in gallons per twenty-four hours.
River Dudwell - - -	Work No. 1	128,000
Park Mill Stream - - -	Work No. 3	10,000
Socknersh Stream - - -	Work No. 6	22,000
Glottenham Stream - - -	Work No. 9	10,000

(4) Until the date upon which the Darwell reservoir shall have been completed the Corporation shall not take from the Darwell Stream any water other than such as they may require for or in connection with the construction of the waterworks.

(5) From and after the completion of the Darwell reservoir and until the date on which the Darwell reservoir is ready for use the Corporation shall not take from the Darwell Stream any water during such time as the flow in that stream at the gauge or meter provided under subsection (9) of this section shall be at a rate less than—

(*a*) in the case of the months of May June July August and September the rate of eighty-five thousand seven hundred and fifty gallons per twenty-four hours; and

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Part II. —*cont.*

(*b*) in the case of the months of January February March April October November and December the rate of twenty-eight thousand five hundred gallons per twenty-four hours.

(6) From and after the date on which the Darwell reservoir is ready for use the Corporation shall discharge or deliver into the Darwell Stream at a point therein situate not more than two hundred yards below the foot of the dam or embankment of the Darwell reservoir—

(*a*) on each day during the months of May June July August and September in every year not less than one hundred and seventy-one thousand five hundred gallons of water;

(*b*) on each day during the months of April and October in every year fifty-seven thousand gallons of water or such greater quantity as the catchment board may by previous notice in writing to the Corporation from time to time require but so however that the Corporation shall not be required to discharge or deliver a greater aggregate quantity than one hundred and seventy-one thousand five hundred gallons on any day; and

(*c*) on each day during the months of January February March November and December in every year fifty-seven thousand gallons of water.

(7) For the purpose of measuring the water flowing in the respective streams mentioned in the first column of the table set forth in subsection (1) of this section the Corporation shall before taking any water from that stream provide at or near the work mentioned opposite thereto in the second column of the said table and shall thereafter maintain a proper and sufficient automatically recording measuring gauge or meter over or through which the water so flowing shall pass.

(8) For the purpose of measuring the water taken by the Corporation through the respective intakes comprised in Works Nos. 2 4 7 and 10 authorised by this Act during a period of thirty-three years the Corporation shall before taking any water through that intake provide at or near that intake and shall thereafter maintain for thirty-three years a proper

and sufficient automatically recording measuring gauge or meter over or through which the water so taken shall pass.

(9) For the purpose of measuring the quantity of water flowing in the Darwell Stream or the water to be discharged or delivered into the Darwell Stream under subsection (6) of this section the Corporation shall before the completion of the Darwell reservoir provide and maintain at a point on the said stream below the Darwell reservoir distant not more than two hundred yards from the foot of the dam or embankment thereof a proper and sufficient automatically recording measuring gauge or meter over or through which the said water shall pass.

(10) The design of the said gauges or meters shall be such as may be agreed between the Minister of Agriculture and Fisheries and the Corporation or as failing such agreement shall be determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the said Minister or the Corporation after notice in writing to the other of them.

(11) The said gauges or meters respectively and the records obtained by means thereof shall be open to the examination of all persons interested in the flow of the stream on or near which such gauge or meter is situate or their duly accredited representatives and such persons or representatives as aforesaid may take copies of the said records if they so desire.

(12) (*a*) At the end of the period of three years from the date upon which the respective gauges or meters referred to in subsection (8) of this section have been provided (in this subsection referred to as "the zero date") and at the end of each period of five years thereafter until the expiration of thirty-three years from the zero date there shall be ascertained from the records obtained by means of the gauges or meters provided in pursuance of subsections (7) and (8) of this section—

In the case of the river Dudwell—

at or immediately below Work No. 1 authorised by this Act and at or near the intake comprised in Work No. 2 authorised by this Act;

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Part II. —*cont.*

In the case of the Park Mill Stream—

at or immediately below Work No. 3 authorised by this Act and at or near the intake comprised in Work No. 4 authorised by this Act;

In the case of the Socknersh Stream—

at or immediately below Work No. 6 authorised by this Act and at or near the intake comprised in Work No. 7 authorised by this Act; and

In the case of the Glottenham Stream—

at or immediately below Work No. 9 authorised by this Act and at or near the intake comprised in Work No. 10 authorised by this Act;

the aggregate of the number of gallons of water passing through such gauges or meters during the month of May in each year since the zero date and there shall also be ascertained the corresponding aggregate in respect of the months of June July August and September respectively in each year since the zero date.

(*b*) The aggregate number of gallons from time to time so ascertained divided by the number of days in all the months of May June July August or September (as the case may be) since the zero date shall be deemed for the purposes of subsection (1) of this section to represent the normal summer rate of flow in the said streams respectively in gallons per twenty-four hours as respects the months of May June July August and September respectively in the five years next following or on the last ascertainment taking place in perpetuity thereafter.

(13) If after commencing to take water from any of the said streams the Corporation shall be guilty of any breach of any of the conditions of this section they shall for every day on which such breach occurs forfeit and pay to each of the persons injuriously affected by such breach (including the catchment board) who shall sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss or injury sustained by any such person by reason of such breach.

(14) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the respective streams mentioned in subsection (1) of this section or the Darwell Stream which the Corporation can collect impound take use divert or appropriate by means of the waterworks.

Waterworks to form part of water undertaking.

17. Subject to the provisions of this Act the waterworks shall for all purposes whatsoever form part of the water undertaking.

Application of Waterworks Clauses Act 1847 to aqueducts &c.

18. 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 of the aqueduct conduits or line or lines of pipes authorised by this Act.

Meters &c. to measure water or detect waste.

19.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the pipes and mains of the Corporation and stop-cocks in the pipes supplying houses with water and may insert in the carriageways or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere with public and private streets roads lanes footways courts passages tramways sewers pipes wires and apparatus.

(2) The Corporation shall not under the powers of this section enter upon break up or interfere with the railways or works or any electric lines wires or apparatus belonging to a railway company or any street belonging to or repairable by or at the expense of such company without the consent of that company which consent shall not be unreasonably withheld nor shall the Corporation unreasonably obstruct or interfere with the access to or exit from any station or depot of that company.

(3) The Corporation shall not under the powers of this section enter upon break up or interfere with any pipe or apparatus belonging to the Hastings and Saint Leonards Gas Company or any street belonging

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Part II. —*cont.*

to that company without the consent of that company which consent shall not be unreasonably withheld.

(4) Nothing in this section shall extend to or authorise any interference with any works or apparatus of the Central Electricity Board except in accordance with the provisions of section 15 of the Electric Lighting Act 1882.

(5) 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.

For protection of East Sussex County Council.

20.—(1) The medical officer of the county council or any officer or agent duly authorised by him in writing for that purpose may enter at all reasonable times on the property of the Corporation for the purpose of inspecting the waterworks including any appliances used for filtering and treating the water of the Corporation and may take such samples of the water as he may think fit from any part or parts of the waterworks Provided that before doing so the said medical officer or such other officer or agent as aforesaid shall give twenty-four hours' previous notice of his intention to act under the provisions of this section.

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall in constructing so much of the aqueduct conduit or line or lines of pipes (Work No. 5) and the aqueduct conduit or line or lines of pipes (Work No. 13) authorised by this Act as may be respectively constructed under the road leading from Brightling to Burwash Kent Lane the road leading from Johns Cross to Blackbrooks or the road from Hastings to Hawkhurst so construct the same that there shall be a depth of at least three feet six inches between the surface of the said roads and any part of the said Works Nos. 5 and 13 which shall be constructed thereunder.

For protection of Heathfield and District Water Company.

21. Notwithstanding anything in this Act the following provisions for the protection of the Heathfield and District Water 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 :—

(1) The Corporation shall not oppose any application at any time made by the company to Parliament or other competent authority for powers for the construction of any well borehole adit or pumping station to be situate north of the main road leading from Cross in Hand to Burwash and Hurst Green and for all necessary powers for the construction of subsidiary and ancillary works and for the abstraction of underground water by means of such well borehole adit pumping station and works :

(2) The Corporation shall not without the previous consent in writing of the company at any time after the passing of this Act apply to Parliament or other competent authority for statutory powers to construct within the limits of supply of the company for the time being any well borehole adit or pumping station for the abstraction of underground water in order to augment either temporarily or permanently the sources of supply of the Corporation :

(3) Any aqueduct conduit or line or lines of pipes laid by the Corporation under the powers of this Act in or across any road within the limits of supply of the company shall be laid at such depth that not less than three feet six inches will intervene between the surface of the road and the upper surface of the aqueduct conduit or line or lines of pipes :

(4) Any difference which may arise between the Corporation and the company under this section shall be referred to an engineer to be appointed failing agreement 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 any such reference.

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Part II. —*cont.*

For mutual protection of Corporation and Heathfield and District Water Company.

22.—(1) Whenever the Corporation in the exercise of the powers of this Act require to execute within the limits for the supply of water of the Heathfield and District Water Company (in this section referred to as "the company") any work (other than the laying of a communication pipe and the breaking up of a street for that purpose) over under or within three feet of any main pipe or apparatus belonging to the company or whenever the company require to execute within the limits for the supply of water of the company any work (other than the laying of a communication pipe and the breaking up of a street for that purpose) over under or within three feet of any main pipe or apparatus belonging to the Corporation then unless otherwise agreed in writing—

(*a*) The Corporation or the company as the case may be (in this section referred to as "the operators") shall give to the other of them (in this section referred to as "the owners") not less than twenty-four hours' notice before commencing to execute the work except in case of emergency when they shall give notice as soon as possible after the beginning of the work or the necessity for the work shall have arisen;

(*b*) The owners shall be entitled by their duly authorised officer to superintend the work;

(*c*) The operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe or apparatus of the owners and for securing access thereto and shall if required so to do by the owners make good all damage done thereto.

(2) The operators shall make compensation to the owners for any loss (other than loss of revenue) damage or expenses which the owners may from time to time sustain by reason or in consequence of any interference in the execution of any such work as aforesaid with any main pipe or apparatus of the owners or the access thereto.

(3) Any difference which may arise between the Corporation and the company under this section shall

be referred to an engineer to be appointed failing agreement 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 any such reference.

For protection of gas undertakers.

23. For the protection of the gas undertakers the following provisions shall unless otherwise agreed in writing between the Corporation and the gas undertakers apply and have effect in respect of the works authorised by this Act:—

(1) In this section—

"the gas undertakers" means the Hastings and Saint Leonards Gas Company or the Wadhurst and District Gas and Coke Company as the case may require;

"apparatus" means all or any mains pipes valves or other works belonging to the gas undertakers;

"authorised work" means so much of the waterworks as will interfere with or be situate within six feet of any apparatus:

(2) Not less than twenty-eight days before commencing any authorised work the Corporation shall deliver to the gas undertakers a plan section and description of such authorised work describing the proposed manner of executing the same:

(3) The gas undertakers at any time within twenty-one days after the receipt of such plan section and description may by notice in writing intimate to the Corporation their disapproval of the proposed manner of executing such authorised work (so far as it involves interference with or might endanger any apparatus) or make reasonable requirements with respect to such plan section and description and in particular if it is reasonably necessary so to do they may by such notice require the Corporation to remove raise lower or otherwise alter the position of any apparatus or to support the same or to substitute temporarily or otherwise other apparatus or to lay or place

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Part II. —*cont.*

under any apparatus cement concrete or other protective substance:

(4) If the gas undertakers shall not within the said period of twenty-one days give any such notice in writing to the Corporation as aforesaid they shall be deemed to have approved the plan section and description as submitted to them and if within that period they give such notice any matters to which such notice relates which are not agreed between the gas undertakers and the Corporation shall be settled by arbitration as hereinafter in this section provided:

(5) The Corporation shall not execute such authorised work except in accordance with such plan section and description as may be approved or agreed by the gas undertakers or settled by arbitration:

(6) Not less than fourteen days before commencing the execution of such authorised work the Corporation shall give to the gas undertakers notice of their intention to commence such execution and if within seven days after the receipt of such notice the gas undertakers shall give notice to the Corporation of their desire themselves to lay down any substituted apparatus or to execute any other works in connection with any of their apparatus which is or are to be laid down or executed pursuant to the provisions of this section it shall be lawful for the gas undertakers instead of the Corporation to lay down such substituted apparatus or execute such works and the gas undertakers shall thereupon lay down or execute the same with all reasonable dispatch and to the reasonable satisfaction of the Corporation and the cost reasonably incurred by the gas undertakers in so doing shall be repaid to them by the Corporation:

(7) All works to be executed or provided by the Corporation under this section in connection with any apparatus shall be so executed or provided to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from the Corporation such

superintendence be given) of the engineer of the gas undertakers :

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PART II. —*cont.*

(8) The Corporation in executing any authorised work shall make good all damage done by them to any apparatus and shall make compensation to the gas undertakers for any loss damage costs or expenses which they may sustain by reason of any interference with any apparatus :

(9) If any difference shall arise between the Corporation and the gas undertakers under this section (other than a difference as to the construction or meaning of this section) such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) 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 any such reference and determination.

For protection of owners of certain properties.

24.—(1) In this section—

"The owner" means—

in relation to the river Dudwell and the Park Mill Stream Caroline Kipling or other the owner or owners for the time being of the estate known as Batemans in the parish of Burwash ;

in relation to the Socknersh Stream and the Glottenham Stream George Alfred Sydney Harvey or other the owner or owners for the time being of the estate known as Manor Farm in the parish of Brightling ;

in relation to the Socknersh Stream Florence Temple Cross or other the owner or owners for the time being of the estate known as Socknersh Manor in the parish of Brightling.

(2) Notwithstanding anything contained in this Act if by reason of the exercise by the Corporation of the powers of this Act of taking water from the river Dudwell the Park Mill Stream the Socknersh Stream or the

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Part II. —*cont.*

Glottenham Stream the owner shall sustain any loss or damage the Corporation shall pay to the owner compensation for such loss or damage.

(3) The amount of any compensation to be paid by the Corporation to the owner under this section shall failing agreement between them be determined by arbitration in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Amendment of section 14 of Act of 1924.

25. Section 14 (Discharge of water into streams) of the Act of 1924 shall be read and have effect as if the words "provided that any water so discharged shall "so far as may be reasonably practicable be free from "mud solid or offensive matter and other matter injurious "to fish or spawn or spawning beds or food of fish" were inserted at the end of subsection (1) thereof.

Part III.

Lands &c.

Power to acquire lands compulsorily.

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

Corporation may acquire certain easements compulsorily.

27. Notwithstanding anything in this Act the Corporation may purchase and acquire an easement or right of constructing maintaining renewing and using or removing the waterworks in under or over any railways rivers navigations and commons and commonable lands without the Corporation being obliged or compellable to purchase any greater interest in under or over the same respectively and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right as if the same were lands within the meaning of those Acts.

Corporation may acquire easements only in certain cases.

28.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks 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 shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts.

(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 the owners or occupiers for the time being shall subject to such easements or rights and any other restrictions imposed upon the owners or occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

(3) Provided that nothing in this section shall authorise the Corporation to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for an easement or right or to impose any such restriction only.

(4) Every notice to treat for the acquisition of an easement or right or the imposition of a restriction shall either contain or be endorsed with a copy of this section.

Power to purchase lands already subject to easements.

29. Where under the powers of any local Act the Corporation have acquired or shall acquire any easement or right in under or through any lands for the construction of any aqueduct conduit pipe sewer or other similar work the Corporation may at any time thereafter if they see fit purchase by agreement from the owner thereof the lands lying over under and alongside such aqueduct conduit pipe sewer or other work.

Additional power to acquire lands compulsorily.

30. Subject to the provisions of this Act the Corporation may enter upon take and use—

(i) the land delineated on the deposited plans and numbered 1 in the borough and described

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Part III. —*cont.*

under the said number in the deposited book of reference;

(ii) for the purpose of preventing the contamination of and ensuring the purity of any water which can or may be intercepted or taken by means of the waterworks the lands in the administrative county of East Sussex hereinafter referred to and delineated on the deposited plans and described in the deposited book of reference and may hold the same for the purposes of and in connection with the water undertaking The lands in this paragraph referred to are—

(*a*) the lands numbered 14 to 19 (inclusive) 20 21 and 25 to 56 (inclusive) in the parish of Brightling in the rural district of Battle;

(*b*) the lands numbered 5 in the parish of Battle in the rural district of Battle;

(*c*) the lands numbered 1 2 4 5 6 9 10 11 14 to 19 (inclusive) 31 32 33 33A 33B 36 37 40 41 44 45 47 53 76 to 79 (inclusive) 79A 81 and 124 to 163 (inclusive) in the parish of Mountfield in the rural district of Battle.

Correction of errors in deposited plans and book of reference.

31. If there is 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 described in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices 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 if the lands are situate in the borough such certificate or a copy thereof shall be deposited with the town clerk and if the lands are situate in an administrative county such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall also be deposited with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish

council also with the clerk of that council and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with the certificate.

Power to Corporation to make agreements with owners of property &c.

32. The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands or property for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act.

Limit of time for compulsory purchase of lands.

33. The powers of the Corporation for the compulsory purchase of lands under the powers of this Act shall cease on the first day of October nineteen hundred and forty.

Power to enter upon property for survey and valuation.

34. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings authorised by this Act to be taken and used or any of them for the purpose of surveying and valuing the said lands houses and buildings 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 houses and buildings.

Extinction of private rights of way.

35. All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished :

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Part III. —*cont.*

Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Further powers for acquisition of lands.

36.—(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 that the Corporation should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough.

(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 shall be effected to the proper account in the books of the Corporation.

(3) 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 re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall (subject to the provisions of the section of this Act of which the marginal note is "Consolidated loans fund") apply the same either—

(*a*) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being 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; or

(*b*) in such other manner as may be approved by the Minister.

Powers with reference to leases of lands.

37.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of any local Act and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease

or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of the lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion:

Provided that the Corporation shall not without the consent of the Minister lease any such lands at a rent or for a consideration less than the current market value of such lands but a lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained:

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any lease of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Power to develop lands.

38.—(1) The Corporation may with the consent of the Minister lay out and develop any lands at any time belonging to them and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands.

(2) The Corporation may use or dispose of the buildings or other materials of any houses or premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation shall before applying to the Minister for his consent under subsection (1) of this section to the laying out and development of any lands situate in the administrative county of East Sussex give notice in writing to the clerk of the county council of their intention to make such application and the

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Part III.—*cont.*

Minister shall consider any representations made to him by the county council with respect to such application.

Incorporation of provisions of Acts of 1924 and 1928 relating to lands &c.

39. The following provisions of the undermentioned Acts so far as they are applicable to the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Part of this Act and shall extend and apply to and for the purposes of this Act as if such provisions had been re-enacted with any necessary modifications in this Part of this Act (that is to say):—

The Act of 1924—

Section 42 (Persons under disability may grant easements &c.);

Section 47 (Compensation in case of recently acquired interest);

Section 48 (Owners may be required to sell parts only of certain lands and buildings);

Section 51 (Proceeds of sale of surplus lands);

The Act of 1928—

Section 23 (Byelaws for preventing pollution of water);

and in particular (without prejudice to the generality of the foregoing provisions of this section) for the purposes of such extension and incorporation—

(*a*) the said section 47 of the Act of 1924 shall be read and have effect as if the first day of November nineteen hundred and thirty-six were therein mentioned instead of the first day of November nineteen hundred and twenty-three; and

(*b*) the said section 48 of the Act of 1924 shall have effect with the substitution of the First Schedule to this Act for the Second Schedule to the Act of 1924.

Part IV.

Supply of water &c.

Extension of water limits.

40.—(1) (*a*) On and after the first day of October nineteen hundred and thirty-seven the limits within which the Corporation may supply water shall extend

to and include in addition to the borough the parishes of Brede Ore and Westfield in the rural district of Battle and administrative county of East Sussex and so much of the parishes of Hollington Rural Guestling and Fairlight in the said rural district and county as by any Act passed or to be passed in the present session of Parliament will be included in the borough or the parish of Westfield as from the first day of April nineteen hundred and thirty-eight.

(*b*) On and after the first day of January nineteen hundred and forty-two or the date on which the Darwell reservoir is ready for use whichever date shall be the earlier the limits within which the Corporation may supply water shall extend to and include in addition to the borough and the areas referred to in paragraph (*a*) of this subsection so much of the parishes of Guestling and Fairlight in the said rural district and county as is not included in the said limits by paragraph (*a*) of this subsection.

(*c*) On and after the date on which the Darwell reservoir is ready for use the limits within which the Corporation may supply water shall extend to and include in addition to the borough and the areas referred to in paragraphs (*a*) and (*b*) of this subsection the parishes of Broomhill Icklesham Pett and Saint Thomas the Apostle Winchelsea in the rural district of Battle and administrative county of East Sussex.

(*d*) In this subsection the reference to any parish shall be construed as a reference to that parish as existing immediately before the passing of this Act.

(2) Subject to the provisions of this Act the Corporation within the added water limits shall have and may exercise all and the like powers rights and authorities for and in relation to the supply of water as they now have within the borough:

Provided that as respects the added limits section 21 (Power to lay pipes in private streets) of the Act of 1924 shall be read and have effect as if the following words were inserted at the end thereof:—

"and any highway authority within the
"meaning of the Local Government Act 1929
"which would be the highway authority in
"respect of such street if it had been dedicated
"to public use shall be deemed to be (in

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Part IV. —*cont.*

"addition to any other persons) persons "having the control or management of any "such street not being a street belonging "to a railway company."

Temporary provisions as to breaking up of streets and laying of mains &c.

41. Until the date on which the Darwell reservoir is ready for use the following provisions shall have effect :—

(1) The Corporation may open and break up any street in the parishes of Broomhill Icklesham Pett or Saint Thomas the Apostle Winchelsea in the rural district of Battle and administrative county of East Sussex or so much of the parishes of Guestling or Fairlight in the said district and county as is not included in the water limits by paragraph (*a*) of subsection (1) of the section of this Act of which the marginal note is "Extension of water limits" and lay down and place mains pipes and other works therein :

(2) The Corporation shall in respect of the said streets mains pipes and other works have the same rights and be subject to the same obligations (other than rights and obligations in regard to the supply of water) as they would have and be subject to under the provisions of this Act if such streets mains pipes and other works were situate in the added water limits.

Corporation to have powers of local authority for supply of water &c.

42.—(1) Subject to the provisions of this Act the Corporation within the water limits shall have and may exercise all and the like powers rights and authorities for and in relation to the supply of water which are conferred by Part IV (Water supply) of the Public Health Act 1936 on a local authority who supply water under that Act.

(2) Nothing in this section shall authorise the Corporation to charge for the supply of water in the added water limits any rates or charges other than those which they are by or under this Act authorised to charge or make.

(3) Subject to the provisions of the section of this Act of which the marginal note is "Limiting powers of Corporation to abstract water" the provisions of this

section shall be in addition to and not in derogation of any other powers conferred by this or any other Act.

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PART IV. —*cont.*

(4) This section shall come into operation on the first day of October nineteen hundred and thirty-seven.

As to vesting and taking over of certain waterworks of Battle Council.

43.—(1) On the first day of October nineteen hundred and thirty-seven there shall by virtue of this Act be transferred to and vested in the Corporation the mains pipes and other works (situate in the parishes of Brede Ore and Westfield and so much of the parish of Hollington Rural as is included in the water limits and belonging to and used by the Battle Council for the purpose of providing with a supply of water the said parishes or some or one of them) which are described in a schedule marked "First Schedule of Works" and signed by Sidney Little on behalf of the Corporation and by Clement Theodore Chevallier on behalf of the Battle Council and there shall also be transferred to the Corporation the burden of the Battle Council as respects the principal of and interest on any loans incurred by the Battle Council in respect of the said mains pipes and other works and outstanding at the said date.

(2) If on the first day of October nineteen hundred and thirty-seven there shall be situate in the parishes of Brede Ore and Westfield and so much of the parish of Hollington Rural as is included in the water limits any mains or pipes (other than those referred to in subsection (1) of this section) belonging to and used by the Battle Council for the purpose of providing with a supply of water the said parishes or some or one of them and the Battle Council shall give to the Corporation notice in writing not later than the thirty-first day of December nineteen hundred and thirty-seven of their desire that the Corporation should as from the said first day of October nineteen hundred and thirty-seven take over the said mains or pipes and assume the burden of the Battle Council as respects the principal of and interest on any loans incurred by the Battle Council in respect of the said mains or pipes and then outstanding the Corporation shall take over the said mains and assume the said burden accordingly.

(3) If the Battle Council shall have given to the Corporation the notice referred to in subsection (2) of this section the Battle Council shall from time

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Part IV. —*cont.*

to time pay to the Corporation the amount by which the rates for the time being payable to the Corporation for the supply of water for domestic purposes to premises in the parishes of Brede Ore and Westfield and so much of the parish of Hollington Rural as is included in the water limits supplied by means of the mains or pipes taken over under the said subsection (2) or any mains or pipes substituted therefor fall short of an amount equal to one tenth part of the expense of providing and laying down the said mains or pipes or any mains or pipes substituted therefor.

(4) On the date on which the Darwell reservoir is ready for use there shall by virtue of this Act be transferred to and vested in the Corporation the well and pumping station reservoir tank mains pipes and other works (situate in the parish of Icklesham and belonging to and used by the Battle Council for the purpose of providing with a supply of water the said parish) which are described in a schedule marked "Second Schedule of Works" and signed by Sidney Little on behalf of the Corporation and by Clement Theodore Chevallier on behalf of the Battle Council and there shall also be transferred to the Corporation the burden of the Battle Council as respects the principal of and interest on any loans incurred by the Battle Council in respect of the said well pumping station reservoir tank mains pipes and other works and outstanding at the said date.

(5) If on the date on which there are included in the water limits the parts of parishes mentioned in paragraph (*b*) of subsection (1) of the section of this Act of which the marginal note is "Extension of water limits" there shall be situate in the said parts of parishes any mains or pipes belonging to and used by the Battle Council for the purpose of providing with a supply of water the said parts of parishes or one of them and the Battle Council shall give to the Corporation notice in writing not later than three months after the said date of their desire that the Corporation should as from the said date take over the said mains or pipes and assume the burden of the Battle Council as respects the principal of and interest on any loans incurred by the Battle Council in respect of the said mains or pipes and then outstanding

the Corporation shall take over the said mains or pipes and assume the said burden accordingly.

(6) If the Battle Council shall have given to the Corporation the notice referred to in subsection (5) of this section the Battle Council shall from time to time pay to the Corporation the amount by which the rates for the time being payable to the Corporation for the supply of water for domestic purposes to premises in the said parts of parishes included in the water limits by paragraph (*b*) of subsection (1) of the section of this Act of which the marginal note is "Extension of water limits" supplied by means of the mains or pipes taken over under the said subsection (5) or any mains or pipes substituted therefor fall short of an amount equal to one tenth part of the expense of providing and laying down the said mains or pipes or any mains or pipes substituted therefor.

(7) If on the date on which the Darwell reservoir is ready for use there shall be situate in the parishes and parts of parishes included in the water limits by paragraph (*c*) of subsection (1) of the section of this Act of which the marginal note is "Extension of water limits" (in this section called "the remainder of the added water limits") any mains or pipes (other than those in the parish of Icklesham referred to in subsection (4) of this section) belonging to and used by the Battle Council for the purpose of providing with a supply of water the said parishes or parts of parishes or some or one of them and the Battle Council shall give to the Corporation notice in writing not later than three months after the said date of their desire that the Corporation should as from the date on which the Darwell reservoir is ready for use take over the said mains or pipes and assume the burden of the Battle Council as respects the principal of and interest on any loans incurred by the Battle Council in respect of the said mains or pipes and then outstanding the Corporation shall take over the said mains or pipes and assume the said burden accordingly.

(8) If the Battle Council shall have given to the Corporation the notice referred to in subsection (7) of this section the Battle Council shall from time to time pay to the Corporation the amount by which the rates for the time being payable to the Corporation

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for the supply of water for domestic purposes to premises in the remainder of the added water limits supplied by means of the mains or pipes taken over under the said subsection (7) or any mains or pipes substituted therefor fall short of an amount equal to one tenth part of the expense of providing and laying down the said mains or pipes or any mains or pipes substituted therefor.

(9) The Corporation may continue maintain use extend enlarge alter reconstruct renew or remove the well and pumping station reservoir tank mains pipes and other works transferred to and vested in them by this section or taken over by them in pursuance of this section in all respects as if the same had been constructed or laid down under the authority of this Act.

Rates for supply of water for domestic purposes in added water limits.

44.—(1) The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house situate in the added water limits entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at a rate assessed on the net annual value of the premises of an amount in the pound equal to the amount in the pound of the borough water rate with the addition of—

(*a*) fifty per centum thereon; or

(*b*) one shilling;

whichever shall be the less.

In this subsection—

"The borough water rate" means the water rate for the time being charged by the Corporation under subsection (1) of section 126 of the Public Health Act 1936 in respect of water supplied by them within the borough for domestic purposes.

(2) The net annual value of any such dwelling-house or part of a dwelling-house shall be ascertained by the valuation list for the time being in force or if that value does not appear in the valuation list shall be determined (in the event of dispute) by a court of summary jurisdiction.

(3) For the purpose of calculating the amount due in respect of any water rate payable under this section section 131 of the Public Health Act 1936 shall apply as if that rate were a water rate payable under that Act.

(4) If the Corporation make an additional charge within the borough for water which is used—

(*a*) in any fixed bath; or

(*b*) by means of a hose-pipe or similar apparatus either for horses or washing vehicles;

the Corporation may in any corresponding case in the added water limits make a corresponding charge with the addition of fifty per centum thereon A charge made under this subsection may be recovered as part of the water rate.

Charge for supply by meter.

45.—(1) On and after the first day of October nineteen hundred and thirty-seven the maximum charge to be made within the borough for a supply of water by meter shall be two shillings and sixpence per thousand gallons and the said maximum charge shall for the purposes of subsection (1) of section 127 of the Public Health Act 1936 be deemed to have been fixed by the Minister on the application of the Corporation.

(2) The charge to be made within the added water limits for a supply of water by meter shall not exceed the highest charge for the time being made for a corresponding supply within the borough with the addition of fifty per centum thereon.

Power to charge by meter for supply to certain premises and for certain purposes in added water limits.

46.—(1) If the Corporation require that water supplied within the borough to any premises or used for any purposes shall be taken by meter they may make the like requirement in respect of water supplied within the added water limits to corresponding premises or used within the added water limits for corresponding purposes.

(2) If the owner or occupier of any farm premises within the added water limits desires a supply of water for farming purposes and lays the necessary communication pipe from such premises to a main of the Corporation the Corporation shall if and so long as the arrangements for taking and using such supply are approved by the Corporation supply to such owner

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or occupier by meter such quantity of water as the owner or occupier may from time to time reasonably require for such farming purposes Provided that the Corporation shall not be required to supply water under this section at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply.

Cesser of certain power as to rates and charges.

47. The provisions of the sections of this Act of which the marginal notes are respectively—

"Rates for supply of water for domestic purposes in added water limits";

"Power to charge by meter for supply to certain premises and for certain purposes in added water limits";

and of subsection (2) of the section of this Act of which the marginal note is "Charge for supply by meter" shall as from the date of the inclusion of any part of the added water limits within the borough and so far as the same relate to the added water limits cease to have effect as respects that part.

Supplies to swimming baths and bathing pools.

48. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Corporation may require that all water required for such swimming bath or bathing pool shall be taken by meter and paid for accordingly.

Special terms for supplies to caravans shacks &c.

49.—(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—

(*a*) 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

(*b*) 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 whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provision of this Act or any provision of any other Act relating to the Corporation the Corporation shall not (unless required so to do by the Minister) supply water to any caravan shack hut tent or other like structure if the local authority of the district in which the caravan shack hut tent or other like structure is situate objects to the supply being given.

(4) For the purpose of ascertaining whether or not the local authority of the district in which the caravan shack hut tent or other like structure is situate objects to such supply being given the Corporation shall before affording such supply give to such local authority not less than fourteen days' notice in writing of their intention to do so.

As to recovery &c. of charges for metered supplies.

50. The charges made by the Corporation for a supply of water by meter shall be paid and recoverable in all respects with and in the same manner as the water rate for a supply of water for domestic purposes.

Revision of water rates.

51. The Minister may if he thinks fit from time to time after the first day of April nineteen hundred and sixty-seven on the application of the Corporation or of the county council or of any local authority (other than the Corporation) having jurisdiction within the added 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

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Part IV. —*cont.*

to charge and make within the added water limits Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will enable the water undertaking to be carried on without loss after providing 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 under the section of this Act of which the marginal note is "Reserve funds."

Power to Battle Council to requisition on behalf of owners and occupiers.

52. Any requisition which can be made under section 35 of the Waterworks Clauses Act 1847 as incorporated with this Act by owners or occupiers of dwelling-houses in the added water limits requiring a supply of water may be made by the Battle Council on behalf of such owners and occupiers and if so made shall be binding on the Corporation if the Battle Council execute an agreement binding themselves to pay for three successive years at least for the supply of water to the dwelling-houses in respect of which the requisition was made the amount which would have been payable under the said section in its application to the Corporation by such owners or occupiers.

Cisterns.

53. The Corporation may require that any dwelling-house erected after the passing of this Act situate on land at a higher level than fifty feet below the draw-off of the service reservoir or tank from which a supply of water is 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 bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Separate communication pipes may be required.

54.—(1) The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit by notice in writing require the owner of any house to lay a separate pipe from the main pipe into that house.

(2) If the owner of any house supplied with water by the Corporation fails within a period of one month after the receipt of a notice under subsection (1) of this section to provide a separate pipe from the main pipe into that 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 summarily as a civil debt.

Maintenance of common pipe.

55. Where several houses or parts of houses 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 parts of houses 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 officer duly authorised in that behalf by the Corporation.

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

56.—(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 the supply or by the Corporation 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 pipe from the said premises in some position as near as is reasonably possible to the point at which such pipe passes the boundary of the street or to the point at which such pipe enters the said premises in or under the street whichever of those points is the nearer to the main of the Corporation from which the supply is given to the said premises and if such person fails to comply with such requirement the Corporation may insert and maintain a stop-cock in such communication pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

(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 pipe from any

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Part IV. —*cont.*

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 provisions 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 proper 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.

Extension of powers for preventing waste &c. of water.

57.—(1) In addition to the powers conferred by section 132 of the Public Health Act 1936 the Corporation may make byelaws requiring the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus (in this section referred to as "fittings") and prescribing the charge to be made for such testing and stamping.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by the authority of the Corporation for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

(3) Nothing in this section or in any byelaw made thereunder shall apply to any fittings used on premises which belong to a railway company and are held or used by them for the purposes of their railway so long as those fittings do not cause waste undue consumption misuse or contamination of water supplied by the Corporation:

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or other houses or used in offices not forming part of a railway station.

Power to sell meters.

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

Penalty for opening valves &c.

59. Any person being the owner or occupier of any house building or premises or part of a house 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 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 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Extension of powers to inspect premises.

60. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Corporation may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house building 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 officer from entering under the said section 57 or under this section or making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

Power to remove meters and fittings.

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

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Opening of ground by person liable to maintain pipes &c.

62.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same 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.

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

As to streets forming boundary of water limits.

63.—(1) Where the water limits are bounded by or abut upon any street or part of a street wholly outside those limits the Corporation may for the purpose of supplying water to the owner or occupier of any premises abutting upon that street or part of a street and being within the water limits exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the water limits subject nevertheless to the observance of the conditions imposed on an exercise of those powers.

(2) The owner or occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Corporation and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street or part of a street were wholly within the water limits.

(3) Nothing in this section shall entitle or require the Corporation to supply water to the owner or occupier of any premises abutting upon any such street and being outside the water limits.

For protection of owners of certain waterworks.

64. For the protection of the respective owners for the time being of the waterworks referred to in the first column of the Second Schedule to this Act (each of whom is in relation to his or their said waterworks and the area described opposite thereto in the second column of the said schedule in this section referred to as "the estate owner") the following provisions shall unless otherwise agreed in writing between the estate owner and the Corporation apply and have effect (that is to say):—

(1) In this section—

"The protected area" means in relation to each of the waterworks referred to in the first column of the said schedule and the owner for the time being of those waterworks the area described opposite to those waterworks in the second column of the said schedule:

(2) Notwithstanding anything in this Act the Corporation shall not supply water for consumption or use within the protected area if and so long as the estate owner is able and willing on reasonable notice to supply water proper and sufficient for the domestic use and other reasonable requirements of the occupiers of premises within the protected area who shall require a supply and shall be willing to pay a reasonable price for the supply:

(3) Any dispute which shall arise between the Corporation and the estate owner under this section shall be referred to and determined by 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 any such reference.

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Part V.

Electricity.

Power to break up streets. 19 & 20 Geo. 5. c. 17.

65. Notwithstanding anything in the Local Government Act 1929 the Corporation may for the purposes of the electricity undertaking break up all streets which (i) are within the electricity limits but outside the borough and (ii) are for the time being repairable by a county council and with respect to those streets the county council shall be deemed to be the local authority within the meaning of the Electricity (Supply) Acts 1882 to 1936 and of the schedule to the Electric Lighting (Clauses) Act 1899:

62 & 63 Vict. c. 19.

Provided that the Corporation shall not construct any substation or transforming station in any road repairable by the county council without the consent of the county council.

Service of electricity demand notes. 15 & 16 Geo. 5. c. 90.

66. 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 electricity undertaking.

Supply of electricity on special terms.

67. 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 to whom the Corporation are authorised to supply electricity (other than authorised distributors) on the other hand may enter into and carry into effect vary and rescind 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.

As to maximum power which may be demanded.

68. 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 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 so to be paid shall in default of agreement be determined by arbitration in manner provided by section 28 of the Electric Lighting Act 1882.

Power of entry for substitution of electric lines.

69. In any case in which the proper and efficient supply of electricity necessitates the substitution of a new electric line for an electric line situate in or upon the private property of a consumer the Corporation after giving forty-eight hours' notice in writing to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such electric line is laid or fixed may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution:

Provided that the Corporation shall not exercise the powers of this section in respect of any premises which form part of the railway of any railway company without the previous consent of that company.

Further powers as to entry upon premises.

70.—(1) The powers conferred on the Corporation 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 electric fittings on the premises whether belonging to the Corporation or not the ascertainment

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Part V. —*cont.*

of whether or not there is or has been any contravention of any of the Acts or Orders applying to the Corporation or the electricity undertaking 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.

(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.

(3) For the purposes of this section "electric fittings" includes 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 premises (not being a dwelling-house) belonging to and used by a railway company for the purposes of their railway and forming part of any station or goods depot.

Protection of seals &c. belonging to Corporation. 34 & 35 Vict. c. 41.

71. 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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PART V. —*cont.*

Attachment of brackets &c. to buildings and bridges. 10 & 11 Vict. c. 15.

72.—(1) Notwithstanding anything in section 7 of the Gasworks Clauses Act 1847 the Corporation may with the consent of the owner of any building or any bridge 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; 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 gas 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 and in any other case to the Minister of Transport and the Board or that 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 may 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 Secretary of State for Air;

(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.

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Part V. —*cont.*

(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 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 remain 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 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 The expression "aerodrome" means an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

10 & 11 Geo. 5. c. 80.

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PART V. —*cont.*

Acquisition of land for substations.

73.—(1) The Corporation may be authorised to purchase land within the electricity limits compulsorily for the purpose of the erection thereon (in pursuance of the powers of the Acts and Orders relating to the electricity undertaking) of a station for transforming converting or distributing electricity by means of an order made by the Corporation and submitted to the Minister of Transport and confirmed by him in accordance with the provisions (so far as they are applicable) of sections 161 162 and 174 and paragraphs (*a*) (*b*) and (*c*) of section 179 of the Local Government Act 1933 and of the Sixth Schedule to that Act and the provisions of those sections and that schedule with any necessary modifications shall have effect for the purposes of this section with the substitution of the Minister of Transport for the Minister:

Provided that anything which under the said provisions of the Local Government Act 1933 has to be prescribed shall for the purposes of this section be prescribed by the Minister of Transport in such manner as he may think fit.

(2) Nothing in this section or in any order made thereunder shall authorise the compulsory acquisition of any land which at the date of the order forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house or which at that date forms part of any land which is in use as an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

(3) If an order is made under this section for the purchase of land which any person has specific statutory power to acquire compulsorily such person shall be entitled to make objection to the Minister of Transport to the confirmation of such order and any such objection if duly made shall for the purpose of the said section 161 as applied by this section be deemed to have been made by a person upon whom notice is required to be served.

As to electricity prepayment meters.

74. The placing in the coin box of a prepayment electricity meter used in connection with the consumption of electricity supplied by the Corporation of a coin not being an appropriate current coin of the realm or of any article not being such a coin shall for the

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Part V. —*cont.*

purposes of section 38 of the Gasworks Clauses Act 1871 as incorporated with the Electric Lighting Act 1882 in its application to the electricity undertaking be deemed to be fraudulent abstraction consumption or use of electricity of the Corporation Provided that no proceedings shall be taken under the said section 38 of the Gasworks Clauses Act 1871 as so incorporated and this section if within seven days after demand payment is made of the amount due to the Corporation.

Charges for special readings of electricity meters.

75. 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.

As to charges for fittings.

76. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of electricity any other payment due to them for the sale hire connection repair or maintenance of meters apparatus or fittings supplied by them for or in connection with the consumption or use of electricity or in respect of the provision of materials and work in connection with the consumption or use of electricity may be included in the same summons and may be recovered summarily as a civil debt provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

Part VI.

Trolley vehicles.

Interpretation for purposes of Part VI.

77. In this Part of this Act unless the subject or context otherwise requires—

"The tramways company" means the Hastings Tramways Company;

"The trolley vehicle undertaking" means the undertaking of the tramways company authorised by the Hastings Tramways and Trolley Vehicles Acts 1900 to 1930;

17 & 18 Geo. 5. c. lxix.

"The Act of 1927" means the Hastings Tramways Company (Trolley Vehicles) Act 1927.

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Part VI. —*cont.*

Power to Corporation to purchase trolley vehicle undertaking.

78.—(1) Subject to the provisions of this section it shall be lawful for the Corporation if by resolution passed at a special meeting of the Council they so decide to purchase on the thirtieth day of June nineteen hundred and forty-five or the thirtieth day of June in any subsequent fifth year (but at no other date) the trolley vehicle undertaking upon terms of paying the fair market value thereof as a going concern but without any addition in respect of compulsory purchase which value shall be determined in case of difference by arbitration in manner provided by section 43 of the Tramways Act 1870.

33 & 34 Vict. c. 78.

(2) If the Corporation decide to purchase the trolley vehicle undertaking under this section they shall give to the tramways company notice in writing of such their decision not later than the thirty-first day of December in the year preceding the date of purchase.

(3) The said section 43 of the Tramways Act 1870 as amended by the Local Government Act 1933 shall so far as not inconsistent with the foregoing provisions of this section apply to the purchase of the trolley vehicle undertaking by the Corporation under this section as if that section 43 (as so amended) with any necessary modifications were re-enacted in this section and as if the trolley vehicle undertaking were situate wholly within the borough.

(4) For the purposes of the borrowing powers conferred upon the Corporation by the said section 43 of the Tramways Act 1870 as amended by the Local Government Act 1933 and applied by this section the Minister of Transport shall be the sanctioning authority.

(5) If pursuant to section 44 (Power to Corporations to purchase trolley vehicle undertaking) of the Act of 1927 the Bexhill Corporation shall by resolution passed at a special meeting of the town council decide to purchase on the thirtieth day of June nineteen hundred and forty-five or the thirtieth day of June in any subsequent fifth year so much of the trolley vehicle undertaking as is situate within the borough of Bexhill and shall have given to the tramways company notice in writing of such their decision not later than the thirty-first day of December in the year preceding the date of purchase any resolution

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Part VI. —*cont.*

of the Corporation passed under subsection (1) and any notice given by the Corporation under subsection (2) of this section shall be deemed to have been passed and given under the said section 44 of the Act of 1927 and to relate only to so much of the trolley vehicle undertaking as is situate within the borough.

Power to Bexhill Corporation to purchase Bexhill portion of trolley vehicle undertaking.

79. If and when the Corporation shall have purchased the trolley vehicle undertaking under the section of this Act of which the marginal note is "Power to Corporation to purchase trolley vehicle undertaking" the following provisions shall have effect with reference to the purchase by the Bexhill Corporation of so much of the trolley vehicle undertaking as is situate within the borough of Bexhill (in this section referred to as "the Bexhill portion") (namely):—

(1) Subject as hereinafter provided it shall be lawful for the Bexhill Corporation if by resolution passed at a special meeting of the town council they so decide to purchase on the thirtieth day of June in the fifth year following the date of purchase by the Corporation of the trolley vehicle undertaking or the thirtieth day of June in any subsequent fifth year (but at no other date) the Bexhill portion upon terms of paying the fair market value of the Bexhill portion as a going concern but without any addition in respect of compulsory purchase which value shall be determined in case of difference by arbitration in manner provided by section 43 of the Tramways Act 1870:

(2) If the Bexhill Corporation decide to purchase the Bexhill portion they shall give to the Corporation notice in writing of such their decision not later than the thirty-first day of December in the year preceding the date of purchase:

(3) The said section 43 of the Tramways Act 1870 as amended by the Local Government Act 1933 shall so far as not inconsistent with the foregoing provisions of this section apply to the purchase of the Bexhill portion by the Bexhill Corporation under this section as if

that section 43 (as so amended) with any necessary modifications were re-enacted in this section:

(4) For the purposes of the borrowing powers conferred upon the Bexhill Corporation by the said section 43 of the Tramways Act 1870 as amended by the Local Government Act 1933 and applied by this section the Minister of Transport shall be the sanctioning authority.

As to exercise of powers of section 101 of Road Traffic Act 1930. 20 & 21 Geo. 5. c. 43.

80.—(1) If the Corporation shall purchase the trolley vehicle undertaking or the part thereof within the borough and shall operate such undertaking or the part thereof purchased the Corporation shall not exercise the powers conferred on them by section 101 of the Road Traffic Act 1930 in the borough of Bexhill except with the previous consent of the Bexhill Corporation and if the Bexhill Corporation shall purchase the part of the trolley vehicle undertaking within the borough of Bexhill and shall operate the part of the undertaking purchased the Bexhill Corporation shall not exercise the powers conferred on them by section 101 of the Road Traffic Act 1930 in the borough except with the previous consent of the Corporation.

(2) This section shall be deemed to be a provision restricting or prohibiting the running of public service vehicles on a road within the meaning and for the purposes of section 91 (Power of Minister to modify restrictions on user of roads by public service vehicles) of the Road Traffic Act 1930 as if it had been enacted prior to the first day of August nineteen hundred and thirty.

Restriction on power to manufacture trolley vehicles.

81. The Corporation shall not manufacture any trolley vehicles repairing cars apparatus or things in exercise of the powers contained in section 41 (Power to provide vehicles and equipment) of the Act of 1927.

As to bye-laws relating to trolley vehicle undertaking.

82. Notwithstanding the provisions of any Act or Order relating to the procedure for the making of byelaws by the Corporation the provisions of section 250 of the Local Government Act 1933 shall apply to all byelaws to be made by the Corporation in respect of the

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Part VI. —*cont.*

trolley vehicle undertaking of the Corporation and in the application of such last-mentioned provisions the Minister of Transport shall be the confirming authority.

Part VII.

Camping grounds tents &c.

Provision of camping grounds.

83.—(1) The Corporation may subject to the approval of the Minister by agreement purchase or take on lease land within the borough and equip and use any land so purchased or taken on lease or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of moveable dwellings as may be prescribed from time to time by the Corporation.

(2) The Corporation before applying for the approval of the Minister of the purchase taking on lease equipping or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease equipped or used by them and also by advertisement in a local newspaper circulating in the borough and in such other manner (if any) as the Minister may direct The said notice shall state the matters mentioned in paragraph (*c*) of subsection (6) of this section and a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the Minister and shall require that any such person shall at the same time send a copy of his representations to the town clerk.

(3) Before signifying approval of the purchase taking on lease equipping or use by the Corporation of any land under this section the Minister shall consider any representations on the proposal of the Corporation which may be duly made and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

(4) Before signifying such approval the Minister if any representation is duly made and is not withdrawn shall (unless the representation appears to him

to be frivolous) direct a local inquiry to be held under the provisions of the section of this Act of which the marginal note is "Inquiries by Minister" and the person holding the inquiry shall have regard to the matters mentioned in paragraphs (*a*) to (*c*) of subsection (6) of this section.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) Before signifying approval of the purchase taking on lease equipping or use by the Corporation of any land under this section the Minister shall consider the report made to him by the person holding any such inquiry and shall also have regard to (inter alia)—

(*a*) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provision of the proposed camping ground on the amenities of surrounding properties;

(*b*) the distance between and area of camping grounds in the neighbourhood whether provided by the Corporation under this section or not; and

(*c*) the area and situation of and the conditions as to the provision of water supply sanitation and otherwise proposed to be prescribed by the Corporation with respect to the proposed camping ground.

(7) Where the Corporation have provided under this section a camping ground the occupier of any moveable dwelling may (subject to any limitation on the number or definition of the class of moveable dwellings which may have been prescribed by the Corporation with respect to the use of that camping ground for moveable dwellings) encamp upon that camping ground upon payment of such fee as may be prescribed by the Corporation.

(8) In this section "moveable dwelling" has the meaning assigned to that expression by paragraph (i)

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Part VII.—*cont.*

of subsection (8) of section 269 of the Public Health Act 1936.

Temporary closing of camping grounds.

84.—(1) It shall be lawful for the Corporation by order to close during such period as they may determine and as may be specified in the order the whole or any portion of any camping ground provided by them.

(2) Any order made by the Corporation under this section shall be published in one or more local newspapers circulating in the borough and by placards posted in a conspicuous position on or near the camping ground to which the order relates and such order shall not come into force until such date as may be stated in the order and not being earlier than fourteen days after the completion of the publication of the order in accordance with the requirements of this subsection.

Provisions as to tents vans &c.

51 & 52 Vict. c. 52.

85.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Part VIII.

Buildings and sewers.

Further provisions as to working-class houses.

26 Geo. 5. & 1 Edw. 8. c. 51.

86.—(1) For the purposes of sections 9 to 16 (inclusive) of the Housing Act 1936 any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface

of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Corporation under the said sections shall apply in respect of such dwelling-house accordingly.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Corporation have served notice under section 9 of the Housing Act 1936 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

(*a*) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;

(*b*) the period for which the dwelling-house is likely to continue occupied;

(*c*) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house;

(*d*) whether the condition of the dwelling-house is or is not due to the wilful default or neglect of the tenant.

Apportionment to frontagers of expenses of sewer constructed under public highway.

87.—(1) Where the Corporation resolve to construct a sewer in a street or part of a street within the borough repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act of which the marginal note is "Provisions applicable to apportionment of expenses of sewers" the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by the last-mentioned section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

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Part VIII. —*cont.*

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the borough but shall become operative as from the date of such publication Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Apportionment to frontagers of expenses of construction of sewer before land became a street.

88.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in or under land within the borough and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section of this Act the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in on or over which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of the land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in on or over such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Provisions applicable to apportionment of expenses of sewers.

89.—(1) The sum apportionable under either of the two last preceding sections of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal

yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice in writing of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on these premises shall be recoverable to an extent proportional to the frontage on the street or part of the street of the site of and the land occupied with the new building:

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

(*a*) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;

(*b*) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be

25 & 26 Geo. 5. c. 47.

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Part VIII. —*cont.*

the erection of a new building Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

15 & 16 Geo. 5. c. 22.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

(7) Where such a resolution as is mentioned in the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Corporation or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

Recovery of recoverable sums.

90. Where under the last preceding section of this Act any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be

recovered summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein and the following provisions of the Public Health Act 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Subsections (2) to (4) of section 291 (Certain expenses recoverable from owners to be a charge on premises Power to order payment by instalments);

Subsection (2) of section 293 (Recovery of expenses &c.);

Section 329 (Saving for certain provisions of Land Charges Act 1925).

PART IX.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Removal of infirm and diseased persons in certain cases.

91.—(1) If the medical officer certifies in writing that any person in the borough—

(*a*) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(*b*) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the

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Part IX. —*cont.*

borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be:

Provided that where the institution to which the said person is to be removed is a public assistance institution the authority to which the institution belongs may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between that authority and the Corporation.

(4) An order under this section may be addressed to such officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to a court of summary jurisdiction acting for the same place as the court which made the order by or on behalf of the person in respect

of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to any hospital or other institution without the consent in writing of the authority or body having the control thereof.

Entry into premises in case of disease.

92.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a notifiable disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease:

Provided that the medical officer shall not under the powers of this section—

(*a*) enter any premises except between the hours of seven in the morning and ten in the evening; or

(*b*) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

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Part IX. —*cont.*

Sanitary conveniences for workmen engaged on buildings &c.

93.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable and if required by the Corporation provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction maintain such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Part X.

Food.

As to sale of food from barrows &c.

94.—(1) As from the commencement of this section every dealer in any article intended for food vending his wares from any cart barrow vehicle or stall or from a basket pail container or similar receptacle used without a cart barrow vehicle or stall shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle pail basket container or receptacle or clearly exhibited on such stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings:

Provided that no person shall be liable to a penalty under the provisions of this section if the offence is one to which the provisions of section 6 of the Milk and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907 apply.

5 & 6 Geo. 5. c. 59.

7 Edw. 7. c. 32.

(2) In this section the expression "stall" includes any structure or erection from which food is offered for sale in a street or other open space.

Registration of hawkers of meat fish fruit and vegetables and premises.

95.—(1) As from the commencement of this section the following provisions shall have effect in the borough:—

(*a*) any person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables who shall by

himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart or other vehicle or from any basket or barrow; and

(*b*) any premises used or proposed to be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from a cart or other vehicle or from a basket or barrow;

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier or intending owner or occupier thereof.

(2) (*a*) No person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart or other vehicle or from any basket or barrow unless he is so registered as aforesaid:

(*b*) No premises shall be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from a cart or other vehicle or from a basket or barrow unless such premises are so registered as aforesaid.

(3) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) (*a*) The Corporation may refuse to register any such person or premises as is or are referred to in sub-section (1) of this section or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises if they are satisfied (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality storage or distribution of the meat or meat food product or fish or fruit or vegetables as the case may be or (as regards any such premises) that such premises are not suitable to be used for the purposes aforesaid:

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Part X. —*cont.*

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises Any such notice shall state the effect of paragraphs (*b*) and (*c*) of this subsection.

(*b*) If the Corporation refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(*c*) Any person appealing to a court of summary jurisdiction (under the section of this Act of which the marginal note is "As to appeals") against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(5) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the borough in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for meat or meat food product or fish or fruit or vegetables intended for sale from a cart or other vehicle or from a basket or barrow.

(6) The Corporation shall keep a register of the persons and premises registered under the provisions of this section.

(7) In and for the purposes of this section—

"meat" means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption;

"meat food product" means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

Registration of premises used in connection with sale of ice-cream or preserved food.

96.—(1) As from the commencement of this section no premises shall be used for any of the following purposes (that is to say):—

(*a*) the sale or the manufacture for purposes of sale of any commodity consisting of ice-cream or any substance similar thereto or the storage of any such commodity intended for sale; or

(*b*) the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for sale;

unless the premises are registered under this section for that purpose by the Corporation.

(2) If any person uses any premises in contravention of this section he shall be guilty of an offence and liable to a fine not exceeding forty shillings and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(3) Every application for the registration of premises under this section shall be made by the owner or occupier of the premises or by the person intending to occupy them.

(4) If the Corporation are satisfied that any premises are unsuitable for use for any purpose for which they have been registered under this section or for which application for registration has been made under this section the Corporation may serve upon—

(*a*) the occupier for the time being of the premises or the person on whose application they were registered; or

(*b*) the person applying for registration;

as the case may be a notice requiring him to appear before them on such day not being earlier than seven days after the date of the notice as may be specified therein in order to show cause why the Corporation should not for the reasons specified in the notice cancel the registration of the premises for the said purpose or refuse the application and if that person fails to show

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Part X. —*cont.*

cause to the satisfaction of the Corporation why they should not do so the Corporation may cancel the registration of the premises for that purpose or refuse the application Any such notice shall state the effect of the two next succeeding subsections.

(5) If the Corporation cancel the registration or refuse the application they shall if required by such occupier or person as aforesaid deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such cancellation or refusal is based.

(6) Any person appealing (under the section of this Act of which the marginal note is "As to appeals") against any decision of the Corporation under this section shall do so within fourteen days after the date of such decision.

(7) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter any premises in the borough to which he has reasonable cause to believe that the provisions of this section apply for the purpose of ascertaining—

(*a*) whether there is occurring therein any contravention of the said provisions; or

(*b*) in the case of premises which have been registered by the Corporation under this section for any of the purposes specified in subsection (1) thereof or in respect of which application for such registration for any of those purposes has been made to them whether the premises are suitable for that purpose or any of the purposes specified in subsection (1) of this section:

Provided that in exercising the powers conferred on them by this section at any premises owned or used by a railway company the Corporation shall conform to such reasonable requirements of the company as are necessary to prevent obstruction to or interference with the working of the traffic of the railway thereat and the railway company shall not be liable for any accident or injury happening to any officer servant or agent of the Corporation upon any lines of rails

belonging to the company or upon any land immediately adjoining any such lines of rails.

(8) For the purpose of this section the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(9) In relation to any premises used as a theatre music hall or cinema this section shall have effect as if in paragraph (*a*) of subsection (1) of this section the words " the sale or " and the words " or the storage of any such commodity intended for sale " were omitted therefrom.

(10) This section shall not apply in relation to any premises used as a club hotel or restaurant.

For regulating manufacture and sale of ice-cream &c.

97.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough who omits on the occurrence of any notifiable disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any person so employed or resident suffering from any notifiable disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the said premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from a notifiable disease.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other

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Part X. —*cont.*

15 & 16 Geo. 5. c. 71.

similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises cart barrow or other vehicle stand pail container or receptacle or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(4) The provisions of this section shall not apply to theatres music halls or cinemas.

Medical practitioners to notify cases of food poisoning.

98.—(1) Every registered medical practitioner attending on a person in the borough who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Corporation shall pay to every registered medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

Part XI.

Sale of coke &c.

Application to sale of coke of Weights and Measures Act 1889. 52 & 53 Vict. c. 21.

99. As from the commencement of this Part of this Act the provisions of sections 20 to 29 inclusive of the Weights and Measures Act 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the borough.

Penalty on fraudulent sale.

100. As from the commencement of this Part of this Act if any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke or wilfully increases such

weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

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PART XI. —*cont.*

101. Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction any proceedings under or in pursuance of this Part of this Act.

Proceedings under Part XI.

102. As from the commencement of this Part of this Act the provisions of this Part of this Act relating to coke shall apply to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke.

Application of Part XI.

PART XII.

WEIGHING MACHINES.

103. As from the commencement of this Part of this Act the following provisions shall have effect :—

As to personal weighing machines.

(1) In this section the expression "personal weighing machine" means any weighing machine which is used or exposed for use in the borough for the purpose of ascertaining the weight of a person (*a*) for the use of which a charge is made or (*b*) which is kept in any shop premises or place in the borough to which the public have access :

(2) The owner or the person in charge of any personal weighing machine which is false or unjust shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence to five pounds and the machine shall be liable to be forfeited :

(3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector and after the expiration of twelve

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Part XII. —*cont.*

months from the commencement of this Part of this Act every person who has in his possession or under his control any personal weighing machine which is not so marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or subsequent offence five pounds and the machine shall be liable to be forfeited :

(4) If any person forges or counterfeits or removes any such distinguishing mark as is referred to in the last preceding paragraph of this section he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited and if any person knowingly exposes for use any personal weighing machine without any such mark or with such forged or counterfeit mark thereon he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited :

(5) (*a*) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine any personal weighing machine in the borough and may seize and detain any such machine which is liable to be forfeited under the provisions of this section and may for the purposes of such inspection and examination enter any place (whether open or closed) where he has reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine;

(*b*) Any person who neglects or refuses to produce for such inspection any personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or subsequent offence ten pounds :

(6) The Corporation may make byelaws—

(*a*) generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed to personal weighing machines under this section and the circumstances and conditions under which such marks may be affixed or cancelled;

(*b*) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines;

(*c*) for fixing the fees to be paid to the Corporation for the examination approval and marking of personal weighing machines under this section or for the examination of such personal weighing machines as are found to be incorrect or defective; and

(*d*) for fixing the limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this section.

PART XIII.

SUPERANNUATION.

Interpretation for purposes of Part XIII. 12 & 13 Geo. 5. c. 59.

104.—(1) In this Part of this Act—

"the Act of 1922" means—

(*a*) the Local Government and other Officers' Superannuation Act 1922; or

(*b*) as regards persons to whom that Act as modified by the Local Government Act 1929 applies that Act as so modified.

(2) Words and expressions to which meanings are assigned by the Act of 1922 have in and for the purposes of this Part of this Act the same respective meanings unless there is something in the subject or context repugnant to such construction.

Reduction of salary or wages.

105.—(1) In the event—

(*a*) of the salary or wages of an officer or servant who has attained the age of fifty-five years and has completed aggregate service of not less than twenty years being reduced in

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Part XIII. —*cont.*

consequence of a reduction of the duties which he has to perform and not on the ground of misconduct; or

(*b*) of the salary or wages of an officer or servant being reduced on account of his mental or physical infirmity or being reduced or suspended by reason of illness;

he may in any such case if he so desires with the consent of the Corporation continue to contribute to the superannuation fund in all respects as if such reduction or suspension had not taken place.

(2) In the event of an officer or servant continuing to contribute as aforesaid the amount of his salary or wages for the period in respect of which he so continues to contribute shall for the purposes of the Act of 1922 be deemed to be the amount of the salary or wages which he would have received in respect of that period if such reduction or suspension had not taken place.

Annuities for widows.

106.—(1) If within one month before the date on which an officer or servant would if he ceased to hold his office or employment first become entitled to a superannuation allowance under paragraph (*b*) or paragraph (*c*) of subsection (1) of section 6 of the Act of 1922 or at any time thereafter prior to the date on which he actually ceases to hold his office or employment he gives notice in writing to the Corporation requiring that the provisions of this section shall apply to him and to any wife to whom he is married on the date on which he commences to receive a superannuation allowance or (if he dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance) to any wife to whom he is married at the date of his death then unless the Corporation (being of opinion that the state of health of such person regard being had to his age is not reasonably satisfactory) notify him or his legal personal representative within one month after the receipt of the notice that they do not intend to comply with the requirement the following provisions shall have effect:—

(*a*) the amount of the superannuation allowance payable to the officer or servant shall in any

case covered by the Third Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by an actuary to be just;

(*b*) if the officer or servant predeceases his wife and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable to him under the Act of 1922 if he had not given a notice under this section.

(2) The Minister may on application made by the Corporation by order alter as respects any officer or servant giving notice under subsection (1) of this section after the date of the order any of the percentages specified in the Third Schedule to this Act so far as may be necessary to secure that the benefits provided by this section for the officer or servant and his wife shall be actuarially equivalent to the benefits to which the officer or servant would have been entitled if he had not given such notice as aforesaid.

(3) Subsection (2) of section 12 of the Act of 1922 shall not apply in respect of any officer or servant who has given notice under subsection (1) of this section.

(4) If the officer or servant shall die before he would have been entitled to receive by way of superannuation allowance if he had not given notice under subsection (1) of this section an amount in the aggregate equal to

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Part XIII. —*cont.*

the amount of his contributions to the superannuation fund with compound interest thereon at three per centum per annum calculated by half-yearly rests the Corporation shall pay to his legal personal representative the difference between the amount which the officer or servant would have been entitled to receive by way of superannuation allowance up to the date of his death if he had not given such notice and the sum to which his contributions to such fund with such compound interest thereon at the rate and calculated as aforesaid amounted at the date of his retirement.

(5) An annuity under this section shall be payable out of the superannuation fund:

Provided that if the superannuation allowance of the officer or servant was by reason of the proviso to subsection (1) of section 16 of the Act of 1922 not payable wholly out of the superannuation fund such proportion only of the annuity shall be paid out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so payable and the balance shall be paid out of the general rate fund.

(6) A notice under this section may be given in respect either of the whole or of a specified part of an allowance and where it is given in respect of a specified part only of an allowance references in this section to the superannuation allowance shall be construed as references to such specified part of the superannuation allowance.

(7) The provisions of section 14 of the Act of 1922 so far as they are applicable shall apply to every annuity under this section.

(8) The provisions of this section (other than those of subsections (3) (4) and (5) thereof) shall with the necessary modifications extend and apply to—

(*a*) any officer or servant of the Corporation; and

(*b*) any superintendent registrar or registrar of births and deaths (including a registrar exercising any of the functions of registrars of marriages) for a district or sub-district in relation to which registration functions are discharged by the Corporation;

to whom at the passing of this Act the provisions of the Poor Law Officers' Superannuation Act 1896 apply.

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Part XIII.
—*cont.*
59 & 60 Vict. c. 50.

(9) The provisions of this section shall also apply to any officer or servant who prior to the passing of this Act but on or after the first day of January nineteen hundred and thirty-seven retired with a superannuation allowance and who (*a*) within one month after the passing of this Act shall give notice in writing to the Corporation to the effect set forth in subsection (1) of this section and (*b*) agrees to pay such sum as the treasurer may certify to be equivalent to the sums by which the superannuation allowance of such officer or servant would have been reduced if the provisions of this section had been applicable to him at the date of his retirement together with compound interest on such sums at the rate of four per centum per annum.

Transfer of officer or servant from non-designated to designated post.

107.—(1) Where an officer or servant is transferred from a non-designated post in the service of the Corporation to a designated post in the service of the Corporation if within such period (not exceeding five years) as the Corporation may determine he pays such sum to the Corporation as would have been payable to them in lieu of transfer value in accordance with subsection (2) of section 8 of the Act of 1922 if he had transferred from the service of another authority to their service under the conditions mentioned in that subsection he shall be entitled to reckon service with the Corporation in accordance with the rules made under that subsection.

(2) This section shall apply to any officer or servant transferred as aforesaid prior to the passing of this Act.

Extension of Act of 1922 to clerk to justices and others.

108.—(1) Subject to the provisions of this section the expressions "officer" and "servant" where used in the Act of 1922 in its application to the Corporation shall include the clerk to the justices of the borough if he is in the whole-time service of the said justices as such clerk and any person employed by the clerk if he is in the whole-time permanent employment of the clerk in connection with his duties as such clerk and

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Part XIII. —*cont.*

occupies a post designated by the justices as an established post.

(2) The provisions of subsection (1) of this section shall not come into operation except with the consent of the said justices and of the Secretary of State and if such consents are given shall operate from such date as may be determined by order of the Secretary of State.

(3) The consent of the justices under subsection (2) of this section shall only be effective if given by resolution passed by the said justices or a majority of them assembled at special sessions summoned for the purpose.

(4) The Secretary of State may by order make such modifications in the Act of 1922 in its application to the Corporation as appear to him to be necessary or expedient for the purposes of this section.

(5) The Corporation shall within two months after the passing of this Act give notice in writing of the provisions of this section to the clerk to the said justices and to any person who at the time of the giving of such notice is in the whole-time permanent employment of the clerk in connection with his duties as such clerk and the provisions of subsection (1) of this section shall not apply to such clerk or person if within one month after the date of such notice he intimates in writing to the Corporation that he does not desire that the said provisions shall apply to him.

Part XIV.

Finance.

Power to borrow.

109.—(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 money 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*) For the construction of the waterworks—	£	
Buildings — Extensions of pumping station and filter house.	4,900	Fifty years from the date or respective dates of borrowing.
Impounding reservoir -	295,500	Sixty years from the date or respective dates of borrowing.
Mains—Cast iron - -	47,090	Forty years from the date or respective dates of borrowing.
Mains—Concrete - -	255,141	Forty years from the date or respective dates of borrowing.
Machinery—		
Pumping plant - -	36,100	Twenty years from the date or respective dates of borrowing.
Gravity filters - -	24,000	Fifteen years from the date or respective dates of borrowing.
Sterilising plant - -	1,000	Ten years from the date or respective dates of borrowing.
(*b*) For the acquisition of lands.	46,269	Sixty years from the date or respective dates of borrowing.
(*c*) For working capital for the water undertaking.	10,000	Ten years from the date or respective dates of borrowing.
(*d*) For 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.

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Part XIV. —*cont.*

Stock.

110. The provisions of all enactments in force immediately before the commencement of this section relating to stock of the Corporation and the creation issue purchase and redemption or extinction thereof shall notwithstanding anything contained in the section of this Act of which the marginal note is "Repeals" continue to apply to all stock existing at the first day of April nineteen hundred and thirty-eight but shall not apply to any stock created or issued after the commencement of this section and shall cease to have effect so soon as all such existing stock shall have been redeemed.

Redeemable stock.

111.—(1) Notwithstanding anything in the stock regulations for the time being in force under the Local Government Act 1933 where the Corporation have from time to time any statutory borrowing power they may by resolution exercise the same as from the commencement of this section by the creation of redeemable stock to be from time to time issued for such amount within the limit of the power at such price to bear such half-yearly or other dividends and to be so transferable (that is to say in books or by deed) as the Corporation by the resolution direct.

(2) Each resolution for the creation of stock shall specify that the stock thereby created is redeemable at the option of the Corporation or is to be redeemed by the Corporation at par after the expiration of such period not exceeding sixty years from the date of creation as shall be fixed by such resolution.

(3) Stock so created shall be designated by the Corporation as Hastings Corporation stock with the addition (if so resolved by the Corporation) of descriptive particulars as to dividend or year of issue or the like.

(4) All stock at any time and from time to time so created shall be deemed for all purposes to have been created under the said regulations and those regulations shall subject as aforesaid and subject to the provisions of the Consolidated Loans Fund (Hastings) Scheme 1936 apply accordingly.

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PART XIV. —*cont.*

Commencement of certain provisions of Part XIV.

112. The sections of this Act of which the marginal notes are respectively—

"Stock"; and

"Redeemable stock";

shall come into operation on the first day of April nineteen hundred and thirty-eight.

Power to borrow by issue of bonds.

113.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds (to be called "Hastings Corporation bonds") in accordance with the provisions of this Act.

(2) The provisions set out in the Fourth Schedule to this Act shall have effect with regard to bonds.

(3) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

62 & 63 Vict. c. 9.
7 Edw. 7. c. 13.

(4) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

54 & 55 Vict. c. 39.

(5) When the Corporation raise money by the issue of bonds sections 212 213 and 214 of the Local Government Act 1933 shall apply as if the money had been raised by borrowing by way of mortgage under that Act and bonds were mortgages within the meaning of that Act.

Power to borrow for payment of compensation on redemption of stock.

114.—(1) When the Corporation propose to reborrow money by the issue of stock (in this section called "new stock") for the purpose of paying off or redeeming any stock previously issued by them (in this section called "old stock") the Corporation may without the sanction of any sanctioning authority in addition to the moneys required for that purpose raise by the creation and issue of new stock such further moneys as may be required for the payment of any compensation agreed to be paid to the holder of any old stock by way of consideration for the paying off or redemption of his holding or create and issue to such holder such amounts of new stock as may be required for such last-mentioned purpose.

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Part XIV. —*cont.*

(2) Any amounts of new stock issued under the authority of subsection (1) of this section for the purpose of raising such further moneys as aforesaid or to the holder of old stock shall be redeemed not later than the earliest date at which the remainder of the new stock is redeemable whether at the option of the Corporation or otherwise.

Application of Local Government Act 1933 to existing sinking funds.

115. Sections 213 and 214 of the Local Government Act 1933 shall (subject to the provisions of the Consolidated Loans Fund (Hastings) Scheme 1936) 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.

Suspending payment to sinking fund.

116. Notwithstanding the provisions of subsection (2) of section 198 and subsection (2) of section 212 of the Local Government Act 1933 it shall not be obligatory on the Corporation to commence the repayment (by sinking fund or otherwise) of any moneys borrowed for the purposes (*a*) and (*b*) mentioned in subsection (1) of the section of this Act of which the marginal note is "Power to borrow" until the completion of the work for or in connection with which the money is borrowed or the expiration of seven years from the date or dates of borrowing the money whichever shall be the earlier.

Use of moneys forming part of sinking and other funds.

117. Notwithstanding anything in this Act or any previous enactment the Corporation may use for the purpose of any statutory borrowing power exerciseable 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 capital reserve repairs renewal insurance art reserve depreciation contingency 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 to the lending fund within the period and by the methods 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 or by the issue of bonds under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used:

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

Receipts in case of minors.

118. If any money is payable to a stockholder being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

Orders for payment of interest by post.

119.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security (other than stock) that they intend to send interest 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

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Part XIV. —*cont.*

to time send orders for the payment of interest 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 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.

(2) Where more persons than one are registered as joint holders of any authorised security (other than stock) 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 in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order to the registered holder of the authorised security.

(4) Every order 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.

45 & 46 Vict. c. 61.

Consolidated loans fund.

120.—(1) Notwithstanding anything contained in this Act or in any other enactment the Corporation may if they think fit establish a fund to be called "the consolidated loans fund" to which shall be paid—

(*a*) All moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(*b*) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

(*c*) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(*a*) In the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and

(*b*) In the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any capital reserve repairs renewal insurance art reserve superannuation depreciation contingency or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(*a*) The moneys so used shall be repaid to the lending fund as and when required for meeting

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Part XIV. —*cont.*

the obligations for which the said fund was established; and

(*b*) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) (*a*) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(*b*) Any scheme approved under this section may be altered amended or revoked by a scheme approved in like manner and subject to the like provisions as the original scheme.

(8) The scheme approved by the Minister under section 184 (Consolidated loans fund) of the Act of 1924 shall be deemed to be a scheme approved by him under this section and the moneys standing to the credit of the existing consolidated loans fund of the Corporation shall be carried in the accounts of the Corporation to the credit of the consolidated loans fund authorised by this section.

Capital reserve fund.

121.—(1) The Corporation may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is

properly applicable (other than expenditure in connection with any undertaking in respect of which the Corporation have for the time being provided a reserve fund under the section of this Act of which the marginal note is "Reserve funds" and expenditure to which the section of this Act of which the marginal note is "Art fund" applies) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation such sums out of the general rate fund as the Corporation may from time to time deem expedient:

Provided that—

(*a*) except as provided by subsection (2) (*b*) of this section any sum or sums so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925;

(*b*) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty thousand pounds.

(2) (*a*) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless used or 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 capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and from part of the general rate fund and (subject to the limitation imposed by proviso (*b*) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

Renewal and repairs fund.

122.—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called "the renewal and repairs fund" any sum not exceeding

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the equivalent of a rate of one penny in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925.

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

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of horses carts mechanically propelled vehicles stables depots boilers equipment and apparatus in connection therewith and the maintenance and repair of buildings which are not comprised in any undertaking in respect of which the Corporation have for the time being provided a reserve fund under the section of this Act of which the marginal note is " Reserve funds " 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 :

Provided that nothing in this section shall apply to buildings in respect of which the Corporation are required by the Housing Act 1936 to keep a housing repairs account.

(4) Any moneys standing to the credit of any existing fund formed by the Corporation for the purposes for which the renewal and repairs fund is authorised to be formed shall be carried to the credit of that fund in the accounts of the Corporation.

(5) (*a*) Pending the application of the renewal and repairs fund to the purposes authorised in subsection (3) of this section the moneys in the fund shall unless used or 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 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.

time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the making up of the deficiency shall for the purposes of the Local Government Act 1933 be a purpose for which the Corporation may borrow The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

(10) Any moneys standing to the credit of the fire insurance fund of the Corporation at the passing of this Act shall be carried to the credit of the insurance fund authorised by this section.

Art fund.

124.—(1) The Corporation may if they think fit establish a fund to be called "the art fund" to provide for the purchasing of any pictures sculptures or other objects of art or interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the library and museum of the Corporation and such fund shall be formed by appropriating thereto out of the general rate such an amount as the Corporation may from time to time determine not exceeding two hundred pounds in any year Provided that when the fund aforesaid shall amount to five thousand pounds the Corporation shall discontinue such payments but if the fund is at any time reduced below the sum of five thousand pounds the Corporation may recommence and continue the payments until the fund be restored to the sum of five thousand pounds.

(2) (*a*) Pending the application of the art fund to the purposes referred to in the foregoing subsection the moneys in the said fund shall unless used or 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 art fund in manner provided by the foregoing paragraph of this subsection shall be carried

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to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

Reserve funds.

125.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of any of the undertakings of the Corporation by setting aside in any year in which the moneys received by the Corporation on account of the revenue of that undertaking exceed the moneys expended by the Corporation in respect of that undertaking in respect of the expenses mentioned in paragraphs (*a*) (*b*) (*c*) and (*d*) of subsection (1) of the section of this Act of which the marginal note is "Accounts" such an amount not exceeding a sum equal to that excess as they may from time to time think reasonable and (unless the amounts so set aside are used or applied in any manner authorised by this Act) investing the same in statutory securities until the fund so provided amounts—

(*a*) 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

(*b*) in the case of any other undertaking to the maximum for the time being prescribed by the Corporation.

(2) Any reserve fund which has been provided in respect of any of the undertakings of the Corporation and which is in existence on the first day of April nineteen hundred and thirty-seven shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(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.

Receipts and expenses.

126.—(1) Notwithstanding anything in this or any other Act or in any 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 capital reserve repairs renewal insurance art reserve superannuation depreciation contingency consolidated loans or other similar fund (including any amounts payable to any such fund in pursuance of the sections of this Act of which the marginal notes are respectively "Use of moneys forming part of sinking and other funds" and "Consolidated loans fund");

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

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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.

Accounts.

127.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the undertakings of the Corporation and as to revenue shall show under a separate heading or division on the one side all income in respect of the undertaking (including the interest and other annual proceeds received by the Corporation on the investments representing or forming part of any such fund provided in connection with the undertaking as is referred to in paragraph (*b*) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses") and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show the amounts representing—

(*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 or used for those purposes in pursuance of the sections of this Act of which the marginal notes are respectively "Consolidated loans fund" and "Use of moneys forming part of sinking and other funds";

(*c*) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or used as aforesaid;

(*d*) all other expenses (if any) of the undertaking properly chargeable to revenue;

(*e*) the amount (if any) credited to reserves or to a reserve fund provided in respect of the undertaking;

(*f*) any money expended or applied for any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings."

(2) The Corporation shall show in their accounts relating to each undertaking 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.

(3) The Corporation shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Application of revenue of undertakings.

128. 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*) (*d*) and (*e*) of subsection (1) of the section of this Act of which the marginal note is "Accounts" the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

(*a*) in the reduction of capital moneys borrowed for the purposes of the undertaking; and

(*b*) in the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects

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expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking.

Surplus water revenue.

129. The following provisions shall apply with respect to the water undertaking (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenue of undertakings") (namely):—

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 proceeds received by the Corporation in that year on the investments representing or forming part of any fund accumulated for the redemption of debt or working capital or as a reserve fund provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (*a*) (*b*) (*c*) (*d*) (*e*) and (*f*) of subsection (1) of the section of this Act of which the marginal note is "Accounts" then—

a sum equivalent to the amount of such excess shall be carried forward to the credit of the revenue account of the undertaking for the next succeeding year and the rates which would otherwise be charged by the Corporation for the supply of water shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount of such excess.

Surplus electricity revenue.

16 & 17 Geo. 5. c. 51.

130.—(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 shall apply with respect to the electricity undertaking (in addition to the provisions of the section of this Act

of which the marginal note is "Application of revenue of undertakings") (namely):—

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 proceeds received by the Corporation in that year on the investments representing or forming part of any fund accumulated for the redemption of debt or working capital or as a reserve fund provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (*a*) (*b*) (*c*) (*d*) (*e*) and (*f*) of subsection (1) of the section of this Act of which the marginal note is "Accounts" then—

(*a*) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure 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 expenditure 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

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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.

Date of operation of certain sections of Part XIV.

131. The sections of this Act of which the marginal notes are respectively—

"Reserve funds";

"Receipts and expenses";

"Accounts";

"Application of revenue of undertakings";

"Surplus water revenue"; and

"Surplus electricity revenue";

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

Part XV.

Miscellaneous.

Maintenance of graves in burial grounds. 42 & 43 Vict. c. 31.

132.—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Corporation to maintain in perpetuity or for such period as they may determine a grave or grave space or monument in any burial ground or cemetery provided or maintained by them and to accept a sum of money from any person in consideration of such maintenance.

(2) The Corporation may if they think fit invest in statutory securities the whole or any part of any such sum.

Prohibition of touting hawking &c. on esplanades sea-shore &c.

133.—(1) No person shall in or on any esplanade parade promenade marine drive public walk garden open space or place of recreation or on the seashore or at any place in Havelock Road or at any place in any street within two hundred and fifty yards of the sea front—

(*a*) importune any person by touting for a hotel lodging-house refreshment house shop pier garden theatre hackney carriage public service vehicle or any place of amusement;

(*b*) without the consent of the Corporation hawk sell or offer for sale any article or commodity or take any photograph by way of trade or business of any person or group of persons;

(*c*) with a view to gaining or receiving profit or reward sing or play any instrument or conduct or take part in any entertainment exhibition or performance.

(2) The Corporation may give any consent under this section upon such terms and conditions as they may think fit Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Corporation may think fit.

(3) Any person offending against the provisions of this section or contravening the terms or conditions upon which any consent is given thereunder shall be liable for every such offence to a penalty not exceeding twenty shillings.

(4) The provisions of this section shall not prevent the owner of any part of the seashore or any person with his consent exercising any rights which they could have exercised if this section had not been enacted.

(5) A pleasure fair held by travelling showmen or their stallholders (not being pedlars or hawkers) or roundabout proprietors shall not be deemed to be an entertainment exhibition or performance for the purposes of paragraph (*c*) of subsection (1) of this section.

Noise nuisance.

134.—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Public Health Act 1936 Provided that no complaint shall be made to a justice under section 99 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (*a*) is injurious or dangerous to health

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Part XV. —*cont.*

and (*b*) is capable of being prevented or mitigated having due regard to all the circumstances of the case:

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means within the meaning of the said Act of preventing or mitigating it have been adopted.

(3) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

(4) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Local Government Act 1933.

Hastings Pier to be within borough. 30 & 31 Vict. c. clxxxvii. 34 & 35 Vict. c. lviii. 53 & 54 Vict. c. xxxvii.

135. From and after the passing of this Act the pier and works constructed in pursuance of the powers contained in the Hastings Pier Act 1867 the Hastings Pier Order 1871 (confirmed by the Pier and Harbour Orders Confirmation Act 1871 (No. 1)) and the Hastings Pier Order 1890 (confirmed by the Pier and Harbour Orders Confirmation (No. 1) Act 1890) shall for all purposes of local government and for the purposes of the Hastings Registration Scheme 1935 be deemed to be annexed to and incorporated with the parish of Hastings and the borough.

Capstans.

136.—(1) Subject to the provisions of this Act the Corporation may place provide and maintain at any place or places on the seashore belonging to them capstans operated by steam electricity or other form of power and like apparatus and conveniences for vessels.

(2) The Corporation may demand receive and recover in respect of the use of any of the capstans or like apparatus or conveniences provided by the Corporation under this section such rates as may from time to time be prescribed by the Corporation.

(3) The Corporation may from time to time make such byelaws as they shall think fit for regulating the use of the capstans or like apparatus or conveniences provided by them under this section.

Regulation of bathing.

137. The power of the Corporation to make byelaws under section 231 of the Public Health Act 1936 with respect to public bathing shall extend

to authorise them to make byelaws prohibiting bathing or attempting to bathe during such periods as the Corporation shall cause to be displayed in a conspicuous manner on the seashore promenade or parade by means of flags or other means notices that bathing in the sea or attempting to bathe therein is prohibited on account of danger.

Amendment of Act of 1924.

138. The Act of 1924 shall be read and have effect as if—

(*a*) in paragraph (A) of section 123 (Power to provide concert halls grounds for games bathing pools &c.) there were inserted after the words "rooms for all social purposes" the word "gymnasiums";

(*b*) in paragraph (1) of section 124 (Provision of entertainments) there were inserted after the words "athletic meetings" in both places where they occur the words "instruction in physical exercises and culture."

Extension of section 126 of Act of 1924.

139. Section 126 (Power to charge for admission to and use of concert halls &c.) of the Act of 1924 shall extend to enable the Corporation to make such reasonable charges as they think fit for admission to any museum belonging to them or under their control in which they have provided exhibitions but so however that no charge shall be made in breach of any trust subject to which the museum or the exhibits may be held.

Aerodrome undertaking.

140.—(1) In the event of the Corporation establishing in pursuance of section 8 of the Air Navigation Act 1920 or in pursuance of any Act amending replacing or consolidating that Act an aerodrome and any subsidiary business in connection therewith (in this section referred to as "the aerodrome undertaking") they may make such charges in respect thereof as they may think fit and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit:

Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Secretary of State for Air.

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Part XV. —*cont.*

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith:

Provided that the Corporation one month before submitting for confirmation by the Secretary of State for Air any byelaws under this subsection which would be operative within the administrative county of East Sussex shall forward a copy of such byelaws to the clerk to the county council and the county council may submit any objections or representations with respect to such byelaws to the said Secretary of State before the expiration of that period and before confirming such byelaws the said Secretary of State shall consider any objections or representations so submitted and if such byelaws would be operative within the borough of Bexhill the Corporation shall at the same time as they forward a copy of such byelaws to the county council forward a copy thereof to the town clerk of that borough and the Bexhill Corporation shall have the same rights of submitting objections or representations as are by this section conferred on the county council and the Secretary of State shall consider any objections or representations so submitted by the Bexhill Corporation.

(3) The aerodrome undertaking shall be in the same relation to the Secretary of State for Air and subject to the like control by him under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

Recovery of rate &c. from persons removing.

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

PART XVI.

GENERAL.

Confirming authority for byelaws.

142. 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 made under the section of this Act of which the marginal note is "As to personal weighing machines" the Board of Trade;

(*b*) in the case of byelaws made under the section of this Act of which the marginal note is "Capstans" the Minister of Transport;

(*c*) in the case of byelaws made under the section of this Act of which the marginal note is "Aerodrome undertaking" the Secretary of State for Air;

(*d*) in all other cases the Minister:

Provided that no byelaws affecting any area below high-water mark shall come into operation until the consent of the Board of Trade has been given thereto and confirmation by a confirming authority shall be sufficient evidence that such consent has been given.

Commencement of certain provisions of Parts VIII IX and X.

143. Subject to the provisions of the section of this Act of which the marginal note is "Commencement of certain other provisions of this Act" Part VIII (Buildings and sewers) Part IX (Infectious disease and sanitary provisions) and Part X (Food) of this Act shall come into operation on the first day of October nineteen hundred and thirty-seven.

Commencement of certain other provisions of this Act.

144.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date (not being earlier than the first day of October nineteen hundred and thirty-eight) as may be fixed by a resolution of the Corporation of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers published and circulating in the borough Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall

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come into operation shall not be less than one month after the date of publication of the advertisement Provided that if the provision is one which requires the licensing or registration of any person or premises the application for the licence or registration may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the sections of this Act of which the marginal notes are—

"As to sale of food from barrows &c.";

"Registration of hawkers of meat fish fruit and vegetables and premises";

"Registration of premises used in connection with sale of ice-cream or preserved food";

and to Part XI (Sale of coke &c.) and Part XII (Weighing machines) of this Act.

(4) As respects any of the said provisions which requires the licensing or registration of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision came into operation—

(*a*) was carrying on any such business or using any premises for any such purpose; and

(*b*) had made application in accordance with the provisions of this Act for such licence or registration as is required by this Act;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of the section of this Act of which the marginal note is "As to appeals."

Restriction on right to prosecute.

145. Section 298 (Restriction on right to prosecute) of the Public Health Act 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under

Part V (Electricity) Part XI (Sale of coke &c.) and Part XII (Weighing machines) thereof.

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PART XVI. —*cont.*

As to appeals.

146.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part IX (Infectious disease and sanitary provisions) or Part X (Food) of this Act or the section of this Act of which the marginal note is "Prohibition of touting hawking &c. on esplanades seashore &c." may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation with regard to the same matter.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use

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any premises for any purpose for which they were lawfully used up to such time—

(*a*) no proceedings in respect of any failure to execute the work or take the action shall be taken;

(*b*) the Corporation shall not execute such work or take such action; and

(*c*) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

Damages and charges to be settled by court.

147. 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.

Recovery of penalties &c.

148. 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.

Powers of Act cumulative.

149. 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.

Saving for indictment &c.

150. 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.

Inquiries by Minister.

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

Inquiries by Minister of Transport.

152.—(1) The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act.

(2) Section 290 of the Local Government Act 1933 shall apply to any inquiry which the Minister of Transport causes to be held under this section or any other provisions of this Act.

Judges not disqualified.

153. A judge of any court or a justice shall not be disqualified from acting in the execution of this or any other local Act or any Order from time to time in force within the borough by reason of his being liable to any rate.

Works below high-water mark not to be constructed without

154. The Corporation shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous

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Part XVI. —*cont.*

consent of Board of Trade.

consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under-secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Crown rights.

155. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

For further protection of East Sussex County Council.

156. 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 execution by the Corporation of any works in or affecting any road or bridge under the sections of this Act of which the marginal notes are respectively "Power to make waterworks" "Extension of water limits" "Temporary provisions as to breaking up of streets and laying of

mains &c." and "As to streets forming boundary of water limits" (that is to say):—

(1) In this section unless the context otherwise requires the expressions "road" and "bridge" mean respectively a road and a bridge vested in or repairable by the county council and the expression "bridge" includes the roadway over any such bridge and the approaches thereto and the expression "apparatus" includes mains pipes and other works:

(2) All apparatus of the Corporation (other than communication pipes and apparatus laid in replacement of existing apparatus) which may be laid in or along any road or in upon or across any bridge shall be laid in such position 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 in relation to work in connection with laying connecting or repairing communication pipes as to which three days' notice shall be given and except in emergency arising from defects in any apparatus in which case as long notice as possible shall be given) 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 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 any 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 bridge and shall have failed to make good all such damage injury or disturbance in accordance with the provisions

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Part XVI. —*cont.*

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 such damage injury or disturbance and the Corporation shall repay to the county council the 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 of the county council which consent shall not be unreasonably withheld and may be given upon such conditions (other than a money payment) as 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 apparatus of the Corporation shall have been laid and in the event of any such road being altered deviated or improved as aforesaid the Corporation shall with all reasonable dispatch 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 apparatus in the manner and to the extent reasonably prescribed by such notice or as in case of difference may be determined by arbitration and the county council shall repay to the Corporation the expenses reasonably incurred by the Corporation in effecting any such alteration of the position of any such apparatus 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 apparatus along the road so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such apparatus:

(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 to which any apparatus of the Corporation is 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 apparatus had not been laid in or over or attached to such bridge and in the event of any such bridge in over or to which any such apparatus is laid or attached being removed altered rebuilt widened or repaired as aforesaid the Corporation shall (if and so far as it may be reasonably necessary for the purpose of such removal alteration rebuilding widening or repairing) at their own cost with all reasonable dispatch after receiving notice in writing under the hand of the clerk or surveyor to the county council alter the position of any such apparatus Provided that during the removal alteration rebuilding widening or repairing of such bridge the county council shall afford all reasonable facilities to enable the Corporation to carry temporarily their apparatus 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 apparatus:

(9) All works of the Corporation executed after the passing of this Act shall be so executed as (so far as reasonably practicable) not to impede or interfere with the traffic on any road or over any bridge:

(10) Any difference which shall arise between the county council or their surveyor and the Corporation under the foregoing provisions of this section and any matter required by this section to be determined by arbitration shall be referred to and determined by 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 and determination.

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Part XVI. —*cont.*

For protection of Southern Railway Company.

157. For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

(1) In this section—

"the authorised works" means—

(*a*) so much of Work No. 13 by this Act authorised as will be situate under the Tunbridge Wells and Hastings railway of the company; and

(*b*) any other works executed by the Corporation under the powers of this Act in so far as the same will be executed upon over or under or will in any way affect the railways works roads bridges or property of the company;

and includes all works of maintenance repair renewal and removal thereof;

"the engineer" means the chief engineer of the company:

(2) The Corporation shall not under the powers of this Act purchase or acquire any land which is the property of the company but the Corporation may acquire and the company shall if so required by the Corporation grant to the Corporation an easement or right of constructing maintaining renewing using altering or removing the said Work No. 13 across and under the said Tunbridge Wells and Hastings railway and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easement or right as fully as if the same were lands within the meaning of those Acts except that the acquisition of any such easement or right shall not be deemed to be the acquisition of a part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845:

(3) So much of the said Work No. 13 as passes under the said Tunbridge Wells and Hastings railway shall be constructed by such method (including if necessary the use of compressed air) as may reasonably be required by the engineer:

(4) The authorised works shall be executed under the superintendence (if given) and to the reasonable satisfaction of the engineer and (except in case of maintenance or repair) in accordance with plans sections and specifications to be previously submitted to and reasonably approved in writing by him or in case of difference between the Corporation and the engineer settled by arbitration Provided that if the engineer shall not signify his disapproval of such plans sections and specifications and the grounds of such disapproval within twenty-one days after they shall have been submitted to him he shall be deemed to have approved thereof:

(5) If the company give notice in writing to the Corporation within fourteen days after the submission of the plans sections and specifications referred to in subsection (4) of this section that they desire so to do they may themselves execute and maintain so much of the authorised works (other than the actual laying down maintenance repair and renewal of the pipes) as will be situate on the property of the company and the reasonable cost thereof and any reasonable expense incurred by the company in connection therewith shall be repaid by the Corporation to the company:

(6) The Corporation shall (except in case of emergency) give twenty-one days' notice in writing to the company before commencing any of the authorised works and such notice shall state the proposed date and time of such commencement and the authorised works shall be carried out only at such times as the engineer shall reasonably require:

(7) The Corporation shall with all reasonable dispatch make good and restore to the

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Part XVI. —*cont.*

reasonable satisfaction of the engineer any property or works of the company which shall have been interfered with by the execution of the authorised works:

(8) The authorised works shall be executed and maintained so as to cause as little injury or damage as may be to the railways and property of the company and so as not to cause any interruption to the passage or conduct of traffic over such railways and if any such injury damage or interruption arises from the acts or operations of the Corporation or if any bursting leakage or failure of the authorised works (not being due to the acts or defaults of the company their servants or agents) shall cause any injury to any railway or works of the company constructed under powers existing at the passing of this Act all such injury or damage 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 be responsible for and shall indemnify and save harmless the company from all claims arising out of or in connection with any such injury damage or interruption and shall make compensation to the company in respect thereof:

(9) If by reason of the execution of the authorised works it shall become necessary to alter or strengthen any embankment or other work of the company such alteration or strengthening shall be carried out by the company after giving (except in case of emergency) not less than seven days' notice of their intention so to do to the Corporation and the reasonable cost thereof and any reasonable expense incurred by the company in connection therewith shall be repaid by the Corporation to the company:

(10) The Corporation shall bear and on demand pay to the company the reasonable expense incurred by the company of and in connection with the employment by the company during

the carrying out of the authorised works of such watchmen or signalmen to be appointed by the company as may be reasonably necessary for watching and protecting the railways and property of the company and the conduct of the traffic thereon with reference to and during the carrying out of the authorised works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in their respective employ:

(11) Any additional expense which the company may reasonably incur in effecting any repair renewal widening alteration or extension of their railways or other works in pursuance of any powers existing at the passing of this Act by reason of the existence of the waterworks upon over or under the railways or works of the company shall be borne by the Corporation:

(12) Any expenses reasonably incurred by the company under the provisions of subsections (5) (8) (9) and (10) of this section shall be deemed to include the reasonable cost of insurance against the payment of compensation to any workman or his legal representatives or dependants in respect of the injury or death of such workman whilst employed by the company in and about the works respectively mentioned in the said subsections or (if the company do not insure) a reasonable sum to cover such risks:

(13) Any difference which may arise between the Corporation and the company under this section (except under subsection (2)) shall be referred to and determined by an arbitrator to be appointed at the request 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 and 1934 shall apply to any such reference and determination.

52 & 53 Vict. c. 49.
24 & 25 Geo. 5. c. 14.

Part XVI. —*cont.*

Amendment of section 48 of Act of 1928.

158. Section 48 (Application of provisions of Acts of 1911 and 1924) of the Act of 1928 shall be read and have effect as if the words "Section 10 (Limiting powers of Corporation to abstract water)" were omitted from the section.

Repeals.

159.—(1) As from the passing of this Act the following provisions of the undermentioned Acts and Orders are hereby repealed:—

The Act of 1885—

Section 71 (Treasurer to keep separate accounts);

Section 73 (Power to create waterworks renewal fund).

61 & 62 Vict. c. ccv.

The Hastings Corporation Electric Lighting Order 1898 (confirmed by the Electric Lighting Orders Confirmation (No. 5) Act 1898)—

Section 52 (Application of revenue) so far as not already repealed.

The Act of 1900—

Section 91 (Expenses and application of moneys received from administration of powers of Act);

Part XII (Formation of thrift and insurance funds).

4 & 5 Geo. 5. c. clxxxi.

The Hastings Pier Order 1914 (confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1914)—

Section 21 (Contingency fund);

Section 22 (Application of revenue).

The Act of 1924—

Section 10 (Limiting powers of Corporation to abstract water);

Section 22 (Water receipts and expenses);

Section 23 (Water rate);

Section 46 (Power to purchase lands already subject to easements);

Section 49 (Further powers for acquisition of lands);

Subsection (1) of section 63 (Entry upon premises Penalty for obstruction);

Section 66 (Electricity receipts and expenses);

Section 132 (As to receipts and expenses);

Section 140 (Prohibition of touting and hawking on esplanade &c.);

Section 184 (Consolidated loans fund);

Section 185 (Use of moneys forming part of sinking and other funds);

Section 187 (Accounts);

Section 188 (Apportionment of items);

Section 189 (Reserve funds);

Section 192 (Attachment of brackets &c. to buildings).

The Act of 1928—

Section 30 (Accident insurance fund);

Section 41 (Recovery of rates from persons removing).

(2) The following provisions of the undermentioned Acts shall be repealed as on and from the first day of October nineteen hundred and thirty-seven :—

The Act of 1900—

Section 40 (Water rate payable by owners of small houses);

Section 41 (Byelaws for preventing waste &c. of water).

The Act of 1924—

Section 24 (Supply to houses partly used for trade &c.);

Section 25 (Price of supply by meter).

(3) The following provisions of the undermentioned Acts shall be repealed as on and from the first day of April nineteen hundred and thirty-eight :—

The Act of 1885—

Section 18 (Interpretation in this Part of this Act);

Section 19 (Creation of Corporation stock);

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Part XVI. —*cont.*

Section 20 (Borrowing power to be exerciseable for actual sum raisable);

Section 21 (Charge of Corporation stock);

Section 22 (Establishment of Corporation loans fund);

Section 23 (Contributions to loans fund for dividends);

Section 24 (Contributions to loans fund for extinction of stock);

Section 25 (Raising of contributions to loans fund);

Section 26 (Payment of sale-money rents &c. to loans fund);

Section 27 (Application of loans fund);

Section 28 (Purchase of irredeemable stock);

Section 29 (Extinction of stock redeemed or purchased);

Section 30 (Account of loans fund);

Section 31 (Application of income in reduction of contributions);

Section 32 (Determination as to charge of stock);

Section 33 (Payment off or substitution for existing securities);

Section 34 (Extinction or suspension of power);

Section 35 (General application of money from Corporation stock);

Section 36 (Temporary investment of money raised by stock);

Section 37 (Appointment of registrar);

Section 38 (Corporation stock register);

Section 39 (Certificates of proprietorship of stock);

Section 40 (Power for stockholder to transfer);

Section 41 (Transfer in books);

Section 42 (Transfer by deed);

Section 43 (Evidence on transfer);

Section 44 (Closing of transfer books);

Section 45 (Stamp duty on transfers);

Section 46 (Transmission on death);
Section 47 (Transmission on marriage &c.);
Section 48 (Payment of dividends);
Section 49 (Dividends to executors &c.);
Section 50 (Evidence of title);
Section 51 (Dividends to joint holders);
Section 52 (Dividend warrants by post);
Section 53 (Provisions respecting stock certificates with coupons to bearer);
Section 54 (Nature of Corporation stock Notice of trusts);
Section 55 (Receiver);
Section 56 (Holding of Corporation stock by trustees);
Section 57 (Protection of holders of Corporation stock);
Section 58 (Annual return to Local Government Board);
Section 59 (Unclaimed dividends);
Section 60 (Saving for power to borrow otherwise);
Section 61 (Saving for power of revocation);
Section 62 (Saving for other obligations);
Section 63 (Saving for power to sell lands &c.);
Section 64 (Saving for existing securities);
Section 65 (Forgery);
Section 66 (Orders of Local Government Board);
Section 67 (Regulations by Bank of England);
Section 68 (Forms);
Section 69 (Fees);
Section 70 (Expenses);
The Second Schedule.

The Act of 1900—
Section 89 (Power to use loans funds instead of exercising borrowing powers);
Section 90 (Power to issue new redeemable stock).

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Part XVI. —*cont.*

The Act of 1928—

Section 31 (As to stock issued at price lower than nominal value);

Section 32 (As to expenses of stock issued);

Section 33 (Further provisions with regard to transfer of stock by deed);

Section 34 (As to joint owners of stock);

Section 36 (Amendment of section 44 of Act of 1885).

Costs of Act.

160. 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.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIPTIONS OF PROPERTIES OF WHICH PORTIONS MAY BE ACQUIRED BY THE CORPORATION.

Parish.	Work.	Number on deposited plans.
Burwash - - - - -	No. 2	21.
Burwash - - - - -	No. 4	21.
Burwash - - - - -	No. 5	21.
Mountfield - - - -	No. 13	83 84 88 100 112.
Whatlington - - - -	No. 13	10.
Sedlescombe - - - -	No. 13	12 14 15 16 17.

SECOND SCHEDULE.

(1) Waterworks.	(2) Protected area.
1. The existing waterworks forming part of the estate in the parish of Pett and rural district of Battle known as "the Pett Level Estate."	The area coloured red on the signed plan.

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2nd Sch. —*cont.*

(1) Waterworks.	(2) Protected area.
2. The existing waterworks forming part of the estate in the parish of Fairlight and rural district of Battle known as "the Fairlight Cove Estate."	The area coloured green on the signed plan.
3. The existing waterworks forming part of the estate in the parish of Fairlight and rural district of Battle known as "the Firehills Estate."	The area coloured yellow on the signed plan.
4. The existing waterworks forming part of the estate in the parish of Fairlight and rural district of Battle known as "the Warren Estate."	The area coloured brown on the signed plan.
5. The existing waterworks in the parishes of Pett and Fairlight and rural district of Battle belonging or reputed to belong to the Pett Water Company Limited.	The area coloured blue on the signed plan.

Note.—In this schedule—

"The signed plan" means the plan signed in duplicate by Annesley Ashworth Somerville the chairman of the committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Parliament Office of the House of Lords and the other copy has been deposited in the Committee and Private Bill Office of the House of Commons.

THIRD SCHEDULE.

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Percentage of the full superannuation allowance payable under the Local Government and other Officers' Superannuation Act 1922 which may be paid to an officer or servant during his lifetime in order that his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of such full superannuation allowance.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	81¾	—	—	—	—	—	—	—
51	82½	81	—	—	—	—	—	—
52	83	81¾	80¼	—	—	—	—	—
53	83¾	82½	81	79½	—	—	—	—
54	84½	83¼	81¾	80½	78¾	—	—	—
55	85¼	84	82¾	81¼	79¾	78	—	—
56	86	84¾	83½	82¼	80¾	79	77¼	—
57	86¾	85½	84¼	83	81½	80	78¼	76½
58	87½	86¼	85	83¾	82½	81	79¼	77½
59	88	87	85¾	84½	83¼	81¾	80¼	78½
60	88¾	87¾	86½	85½	84¼	82¾	81¼	79¾
61	89½	88½	87½	86¼	85	83¾	82¼	80¾
62	90¼	89¼	88¼	87¼	85¾	84½	83¼	81¾
63	90¾	90	89	88	86¾	85½	84¼	83
64	91¼	90½	89¾	88¾	87¾	86½	85¼	84
65	91¾	91	90¼	89½	88½	87½	86¼	85
66	92¼	91½	91	90¼	89¼	88¼	87¼	86
67	92½	92	91½	90¾	90	89	88	87

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FOURTH SCHEDULE.

Provisions as to Hastings Corporation bonds.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

2.—(1) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine and interest shall be payable on bonds on the first day of April and the first day of October in any year If a bond becomes repayable at a date other than the first day of April or the first day of October the interest on the bond from the first day of April or the first day of October as the case may be until the date of repayment of the bond shall be apportioned and paid to the holder of the bond If a bond is issued on a date between the first day of April and the first day of October or on a date between the first day of October and the first day of April and becomes repayable before the first day of October or the first day of April as the case may be the interest on the bond between the date of the issue and the date of the repayment thereof shall be apportioned and paid to the holder of the bond.

(2) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(3) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the office of the treasurer on the dates specified in the certificates issued in respect of bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(*a*) The name address and description of each holder a statement of the denomination of the bonds held

by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(*b*) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof under the common seal of the Corporation duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

COUNTY BOROUGH OF HASTINGS.

HASTINGS CORPORATION BONDS.

per centum Hastings Corporation bond repayable at par 19 at the.

This is to certify that
of
is the registered holder of a bond for
pounds issued by the corporation of Hastings under the Hastings Corporation (General Powers) Act 1937 at

The common seal of the Hastings Corporation was hereunto affixed in the presence of }

Town clerk.

Treasurer.

Date

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4th Sch.—*cont.*

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

Hastings Corporation bond[s].

I
in consideration of the sum of
paid by (hereinafter called "the transferee") do hereby assign and transfer to the transferee

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the said bond[s] subject to the conditions aforesaid.

As witness our hands and seals this day of one thousand nine hundred and .

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Hastings Corporation Bonds" (hereinafter called "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration

or otherwise of the title of any person claiming to make the transfer.

8. The Corporation may close the register for a period not exceeding thirty days immediately before the first day of April and the first day of October respectively in any year and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

9.—(1) The interest of a deceased bondholder in a bond shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2) Where two or more persons are registered as holders of any bond such persons shall be deemed to be joint owners with right of survivorship between them.

(3) The Corporation shall not be under any obligation to allow any executors or administrators to transfer a bond until the probate of the will or the letters of administration of the estate of the deceased has or have been left with the Corporation for registration and they may require all the executors who have proved the will to join in the transfer.

10.—(1) If the ownership of any bond has become transmitted by any lawful means other than a transfer or than the death of a bondholder satisfactory evidence of the transmission shall be furnished to the Corporation by a statutory declaration of one or more competent persons or in such other manner as the Corporation may require.

(2) The name of the person entitled under the transmission shall be entered in the register.

(3) Until such evidence has been furnished the Corporation shall not be affected by the transmission and no person claiming by virtue thereof shall be entitled to receive any interest on the bond.

(4) In this provision the term "transmission" includes any case of apparent transmission in consequence of the change of name of the bondholder although the actual ownership of the bond may remain unaltered.

11. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation for registration.

12. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

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4th Sch.—*cont.*

13. Where more persons than one are registered as joint holders of a bond any one of them may give an effectual receipt for any interest thereon unless notice in writing to the contrary has been given to the Corporation by any other of them.

14. No notice of any trust express implied or constructive shall be entered in the register or in any other book kept by the Corporation or be receivable by the Corporation or any officer of the Corporation.

15. If any money is payable to the holder of a bond and the holder is a minor the receipt of the guardian shall be a sufficient discharge to the Corporation.

16.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may without prejudice to any other remedy apply to the High Court for the appointment of a receiver and the Court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The Court may confer upon the receiver any such powers of collecting receiving and recovering the revenues of the Corporation and of making collecting and recovering rates and of issuing and enforcing precepts as are possessed by the Corporation or their officers.

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