CHAPTER lix.

An Act to authorise the Local Board for the district of Aberdare to construct additional Waterworks and for other purposes. [3rd July 1894.] A.D. 1894.

WHEREAS the local government district of Aberdare is co-extensive with the parish of Aberdare in the county of Glamorgan except so far as the boundaries of the said district are varied or altered by the Local Government Supplemental Act 1866 (No. 3) and is governed for local and sanitary purposes by the Local Board for that district (in this Act referred to as "the Local Board"):

And whereas the Local Board are the owners of the waterworks which now supply with water the greater part of their district and so much of the town or village of Hirwain as is situate in the parish of Penderyn and county of Brecon:

And whereas for the purpose of enabling the Local Board to provide a better supply of water to their district and to the portion of the parish of Penderyn comprised within their limits for the supply of water it is expedient that they should be authorised and empowered to make and construct the reservoir and works herein-after described:

And whereas plans and sections of the works authorised by this Act the plans also showing the lands which may be taken under the powers of this Act and a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands have been deposited with the clerks of the peace for the counties of Brecon and Glamorgan respectively and are in this Act referred to as the deposited plans sections and book of reference:

And whereas an estimate has been prepared by the Local Board for the purchase of lands and the execution of the works by

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this Act authorised and such estimate amounts to the sum of twenty-four thousand five hundred and thirty-four pounds:

And whereas the works included in such estimate are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875:

And whereas it is expedient that the Local Board should be authorised to raise money for the purposes herein-before mentioned in manner by this Act provided:

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

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the fourteenth day of November one thousand eight hundred and ninety-three after ten clear days notice by public advertisement of the meeting and of the purposes thereof in the "Aberdare Times" a local newspaper published and circulating in the district of the Local Board such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate water rates and charges for water supplied and to be supplied by the Local Board:

And whereas that resolution was published twice in the "Western Mail" a local newspaper circulating in the said district and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Local Board at a further special meeting held in pursuance of a similar notice on the twelfth day of January one thousand eight hundred and ninety-four being not less than fourteen days after the deposit of such Bill in Parliament:

And whereas the owners and ratepayers of the district of the Local Board by resolution in the manner provided in the third schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Aberdare Local Board Waterworks Act 1894 and this Act and the Aberdare Local

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Board Waterworks Act 1870 may be cited for all purposes as the Aberdare Local Board Waterworks Acts 1870 to 1894.

Provisions of certain general Acts incorporated.

2. 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 (namely) :—

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit);

The Waterworks Clauses Act 1863; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to roads and to the temporary occupation of lands near the railway during the construction thereof but these provisions shall apply only to the roads and reservoir by this Act authorised.

Amendment of Waterworks Clauses Act 1847.

3. For the purposes of the Aberdare Local Board Waterworks Act 1870 and of this Act the Waterworks Clauses Act 1847 shall be read and have effect as if the words "with the consent in writing "of the owner or reputed owner of any such house or of the agent "of such owner" were omitted from section forty-four of that Act.

Interpretation of terms.

4. The several words and expressions to which by the Public Health Act 1875 or the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in this Act and in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" or "the Company" means the Local Board;

"The railway" means the reservoir by this Act authorised;

"Centre of the railway" means with respect to the reservoir the boundaries of that work;

"The district" means the local government district of Aberdare;

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

"The Public Health Acts" means the Public Health Act 1875 the Public Health (Water) Act 1878 and any Act amending the same respectively;

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in

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the Acts wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Water limits.

5. The limits for the supply of water by the Local Board (in this Act called "the water limits") shall be the district and so much of the town or village of Hirwain as is situate in the parish of Penderyn in the county of Brecon being the limits defined by section six of the Aberdare Local Board Waterworks Act 1870.

Pressure.

6. The water to be supplied from any main or pipe of the Local Board need not be supplied in any case at a level above or at a greater pressure than can be supplied or afforded by gravitation from the reservoir or other work from which the supply shall be taken.

Power for Local Board to supply water.

7. Subject to the provisions of the Aberdare Local Board Waterworks Acts 1870 to 1894 the Local Board by means of the works by those Acts authorised or any of them may from time to time supply water within the water limits and may sell and dispose of water within such limits.

Power to make waterworks.

8. Subject to the provisions of this Act the Local Board may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks and other works following (that is to say):—

Works in the parish of Penderyn in the county of Brecon:—

(i.) A reservoir to be situated on a stream known as Nant Melyn the embankment of which reservoir will be placed across the said stream north of the farm-house called Nant Melyn Isaf;

(ii.) A road commencing at or in the road over the embankment of the Nanthir Reservoir at a point westward of the bridge carrying the road over the waste watercourse of the said reservoir and terminating at or near the easterly end of the embankment of the reservoir before described;

(iii.) A road (to be substituted for the existing road leading from the farm-house known as Nant Moel Uchaf to the easterly side of the Nant Melyn valley) commencing at a point in the existing road sixty-four yards or thereabouts from the north-easterly corner of the said farm-house and terminating in the old course of the said road on the

easterly side of the Nant Melyn Valley So much of the existing road as will be diverted and superseded by the new road will be stopped up and discontinued;

(iv.) An aqueduct conduit or line of pipes commencing in the said Nant Melyn stream at a point in a northerly direction from the centre of the bridge carrying the road from the farm-house called Nant Moel Uchaf across that stream to the easterly side of the Nant Melyn valley and terminating in the same stream at a point in a northerly direction from the north-westerly corner of the farm-house called Nant Melyn Isaf;

(v.) An aqueduct conduit or line of pipes commencing in the stream called Nant Moel Uchaf at a point in a north-westerly direction from the centre of the last mentioned bridge and terminating by a junction with the aqueduct conduit or line of pipes fourthly before described at a point near the confluence of the Nant Melyn and Nant Moel Uchaf streams;

(vi.) An aqueduct conduit or line of pipes commencing in the Nant Moel Isaf stream at a point in a north north-westerly direction from Nant Moel Isaf farm-house and terminating in the reservoir firstly before described:

Works partly in the parish of Penderyn in the county of Brecon and partly in the parish of Aberdare in the county of Glamorgan:—

(vii.) An aqueduct conduit or line of pipes commencing within the reservoir firstly before described at a point one hundred and seventy yards or thereabouts from the farm house known as Nant Melyn Isaf and terminating by a junction with the existing water main from the Nanthir Reservoir to Aberdare in Cwm Blaen Nant Hir;

(viii.) An aqueduct conduit or line of pipes commencing by a junction with the aqueduct conduit or line of pipes lastly before described at a point in the enclosure numbered 1256 on the 25-inch Ordnance Map and terminating in the village of Hirwain at a point in the public road leading from Hirwain to Merthyr-Tydfil:

Together with all necessary and proper approaches embankments culverts weirs tanks dams gauges diversions of streams and roads conduits tunnels pipes sluices drains valves outlets filter beds residuum lodges and other works apparatus and conveniences connected with the aforesaid waterworks or any of them or incidental thereto.

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Power to take lands and waters.

9. Subject to the provisions of this Act the Local Board may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may from time to time for the purposes of their waterworks take intercept collect impound use divert and appropriate the water which may be intercepted or abstracted by means of any of the waterworks before described and also the waters of the streams in the parish of Penderyn known as Nant Moel Uchaf Nant Melyn and Nant Moel Isaf.

For protection of canal companies.

10. For the protection of the Company of Proprietors of the Aberdare Canal Navigation (herein-after referred to as "the Aberdare Canal Company") and the Company of Proprietors of the Glamorganshire Canal Navigation (herein-after referred to as "the Glamorganshire Canal Company") and to prevent the taking of water from the Nant Melyn Nant Moel Uchaf and Nant Moel Isaf streams by means of the works by this Act authorised until there shall be a surplus of water at the weir of the Aberdare Canal Company across the river Cynon near the canal head immediately below the town of Aberdare for diverting water into the Aberdare Canal the following provisions shall have effect:—

(1) Proper gauge weirs shall be erected above the reservoir by this Act authorised one upon the Nant Melyn stream and another upon the Nant Moel Uchaf stream through apertures in which the following quantities of water (that is to say) as regards the gauge weir on the Nant Melyn stream at the rate of thirty-one thousand three hundred and eighty gallons in every twenty-four hours and as regards the gauge weir on the Nant Moel Uchaf stream at the rate of twenty-seven thousand and seventy gallons in every twenty-four hours shall pass and be conducted in a continuous flow round the reservoir to the stream below before any water shall be taken or allowed to flow into the reservoir from the said streams or either of them and another proper gauge weir shall be erected at the proposed intake on the Nant Moel Isaf stream through an aperture in which water at the rate of fourteen thousand one hundred and thirty gallons in every twenty-four hours shall pass down the stream before any water shall be diverted therefrom or allowed to flow into the said reservoir Provided that all water of the said streams in excess of the quantities above-mentioned may be allowed to pass into the said reservoir:

The positions of the said guage weirs shall be such as fully to carry out these provisions and shall be arranged between

the respective engineers of the Local Board and the canal companies:

(2) The above-mentioned gauge weirs shall be erected and maintained by the Local Board at their own expense and to the reasonable satisfaction and approval of the engineer or engineers of the canal companies and shall be open at all times to the inspection of such engineer or engineers or any of the authorised officers or servants of or persons employed by the canal companies or either of them:

(3) No water shall be taken or diverted by the Local Board or suffered to flow into their reservoir from the said streams or either of them until the above-mentioned gauge weirs shall have been constructed as aforesaid nor at any time afterwards except when such gauge weirs shall be in good order and repair and the respective quantities of water aforesaid shall be flowing through the same and down the streams below as aforesaid:

(4) In case the Local Board shall at any time take or divert or suffer to flow into their reservoir any water from the said streams or either of them when the respective quantities of water aforesaid are not passing through the apertures in the said gauge weirs herein-before referred to and flowing as aforesaid or at any time when the said gauge weirs or either of them shall be defective or in need of repair the Local Board shall pay to the Aberdare Canal Company as ascertained damages a penalty of ten pounds for every day during which or during any part of which any such taking or diverting or flow of water shall take place which penalty with full costs shall be recoverable by the Aberdare Canal Company in any court of competent jurisdiction Provided that such penalty shall not be incurred until notice shall have been given by or on behalf of the Aberdare Canal Company at or sent by post addressed to the office of the Local Board (which notice if sent by post shall be deemed to have been served at the time at which it would in due course of post be delivered) requiring the Local Board to desist from taking or diverting water or suffering water to flow as aforesaid and the Local Board shall have failed for twelve hours after such notice shall have been given to comply therewith and so that if the Local Board shall at any time within fourteen days after any such notice take or divert any water contrary to the provisions of this section such penalty shall be incurred without any further notice:

(5) The provisions herein-before contained for the protection of the said Canal Companies shall be deemed to be full compen-

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sation and satisfaction to them for any water which may be abstracted by the Local Board from the said streams and tributaries thereof above the points where such water can be abstracted by the reservoir firstly and aqueduct sixthly herein-before described and authorised by this Act but save as aforesaid nothing in this Act shall in any way prejudice or affect the property rights or powers of the said canal companies or either of them.

For protection of Great Western Railway Company.

11.—(1) Any aqueduct conduit or line of pipes which the Local Board may lay down in or along any road crossing either over under or on the level of the Great Western Railway shall so far as they may affect such railway be laid down by the Local Board at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company (herein-after referred to as "the Great Western Company") and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Local Board shall be renewed and repaired in the same manner and under the like conditions Provided that where any mains or pipes require to be laid under or over any level crossing of the said railway the Great Western Company may if they elect so to do themselves lay such mains or pipes at the costs charges and expenses of the Local Board.

(2) The said mains or pipes shall be so laid down maintained repaired and used by the Local Board as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

(3) The Local Board shall at all times keep the Great Western Company indemnified against all damages losses expenses or injuries which they or the traffic on the said railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes as aforesaid.

(4) The Local Board shall acquire only such an easement across over or under any of the railways works or property of the Great Western Company or any lands belonging to that Company as may be necessary for constructing or maintaining any of the works of the Local Board and shall pay to the Great Western Company for the easement such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation with respect to

the purchase and taking of lands otherwise than by agreement and the easements so to be taken shall be deemed to be lands so far as regards the proceedings for the acquisition thereof and also for the purposes of such arbitration.

(5) If the Great Western Company at any time hereafter require to construct any additional or other works upon their lands or railways or to alter renew or repair the railways bridges viaducts or works upon across over or under which any of the works of the Local Board may have been constructed or laid the Great Western Company may on giving to the Local Board seven days notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Local Board across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will permit and doing as little damage as may be without being liable to pay compensation in respect thereof.

For protection of the Brecon County Council.

12.—(1) The Local Board shall during such period as the works in the county of Brecon by this Act authorised are in process of construction pay to the Breconshire County Council the cost of maintaining such additional number of police as the county council may reasonably think necessary for the due preservation of order at their works not exceeding one policeman for every one hundred men employed for the time being on such works.

(2) The Local Board shall from time to time make full compensation for all damage and injury losses and expenses whatsoever as well immediate as consequential which may from time to time be incurred or suffered in the county of Brecon by reason of the bursting or giving way of any of the waterworks by this Act authorised and such compensation shall be paid and satisfied out of any rates revenues or funds for the time being belonging to the Local Board.

(3) If in the course of executing any of the works by this Act authorised the Local Board shall use or interfere with any bridge belonging to or maintained by the Breconshire County Council or any of the culverts or works belonging thereto or any of the approaches thereto or if any damage shall be done to the surface of the main roads by the laying of pipes or otherwise or with any other culvert maintained by the county council they shall from time to time make good all damage done by them to such bridges culverts works main roads or approaches to the reasonable satisfaction of the county surveyor for the time being and if any question

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shall arise as to the damage done to such bridges culverts works main roads or approaches or as to the proper repair thereof by them such question shall be referred to the determination of two justices and such justices may direct such repairs to be done or such sum of money to be paid to the county council in lieu thereof to be by them expended in effecting such repairs within such periods as they may think reasonable and may impose on the Local Board for not carrying into effect such order within the time named therein any penalty not exceeding five pounds per day in respect of any or every such bridge culvert main road or approach so interfered with or damaged as to such justices may seem meet And such penalty shall be paid to the county council and be applied for the purposes of such bridge culvert main road or approach.

(4) Any difference which may from time to time arise between the Breconshire County Council and the Local Board with respect to any payment to be made by the Local Board to the county council shall be settled by arbitration under the provisions of the Arbitration Act 1889.

Power to deviate.

13. In the construction of the works by this Act authorised the Local Board may deviate from the lines of the respective works to the extent of the limits of deviation shown in each case on the deposited plans and where on any road no limits are shown the boundaries of such road shall be deemed to be the limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and seven feet downwards and in the case of all other works not exceeding three feet upwards and ten feet downwards Provided that no pipes shall be deviated upwards so as to be above the surface of the ground except where necessary in crossing a bridge or stream Provided also that if it be found necessary or expedient in the construction of the reservoir to alter the situation of any embankment or weir within the limits of deviation they may in the construction thereof and of the works connected therewith deviate vertically from the levels of any such embankment weir and works as shown with reference to the datum line to any extent not exceeding twenty feet but the Local Board shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and three feet in addition.

Period for compulsory purchase of lands.

14. The powers of the Local Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Time for completion of works.

15. If the works by this Act authorised are not completed within seven 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 such of them or so much thereof respectively as is then completed.

Power to take additional lands by agreement.

16. The Local Board may from time to time for the purposes of their water undertaking purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised by this Act to take compulsorily but the Local Board shall not create or permit any nuisance on any such lands and such lands shall not be used for any buildings except buildings required for or used in connection with the water undertaking of the Local Board.

Power to take easements &c. by agreement.

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

Restriction on taking houses of labouring class.

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

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

Existing waterworks of Local Board and works authorised by this Act to form one undertaking.

19. Subject to the provisions of this Act the waterworks by this Act authorised shall for all purposes whatsoever be deemed part of the waterworks undertaking of the Local Board and the Local Board may continue to demand and recover rates rents and charges in respect of water supplied within the district not exceeding the rates

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rents and charges authorised by the Aberdare Waterworks Act 1858 as amended by the Aberdare Local Board Waterworks Act 1870 Provided that the Local Board may so long as the revenue of their water undertaking is insufficient after payment of the working expenses to pay the interest on moneys borrowed in respect of that undertaking and the payments to the sinking fund in respect of such moneys demand and recover from consumers of water outside their district but within the water limits who are not rated or liable for any water or other rate levied by the Local Board within the district ten per cent. in addition to the respective water rates rents and charges prescribed by the said Acts or as the case may be in addition to the rates rents and charges from time to time charged to consumers of a like class within the district.

Reservation of water rights &c. on sale of surplus lands.

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

Power to borrow.

21. The Local Board may from time to time borrow at interest in addition to any moneys they are already authorised to borrow any sum or sums of money they may require not exceeding in the whole the sum of twenty-eight thousand pounds for the purposes of this Act and for those purposes may mortgage or charge the revenue of their water undertaking and collaterally the district fund and general district rate.

Power to borrow further sums with approval of Local Government Board.

22. In addition to the sum of twenty-eight thousand pounds which the Local Board are herein-before authorised to borrow they may from time to time with the sanction of the Local Government Board borrow at interest on the securities aforesaid or either of them such sum or sums of money as the Local Board may require for any of the purposes for which money is by this Act authorised to be borrowed.

Power to Local Government Board to direct inquiries.

23. The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875; The

expenses of the Local Government Board in connection with any proceedings under this Act including a reasonable sum not exceeding three guineas a day for the services of their inspector shall be paid by the Local Board and shall be recoverable in the same manner as any other expenses incurred by the Local Government Board may be recovered by that Board.

Power to borrow under Local Loans Act 1875.

24. The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Local Board in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the prescribed period.

Provisions of Public Health Act as to mortgages to apply.

25. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236. Form of mortgage;
Section 237. Register of mortgages;
Section 238. Transfer of mortgages;
Section 239. Receiver may be appointed in certain cases.

As to repayment of borrowed moneys.

26. The Local Board shall repay all moneys borrowed under the powers of this Act for the purposes of the waterworks and other works by this Act authorised to be constructed by the Local Board within the following periods (that is to say) Money borrowed with the sanction of the Local Government Board within such period as that Board shall prescribe and all other money within a period not exceeding fifty years except as regards money applied in payment of the costs of this Act which shall be repaid within a period not exceeding ten years from the borrowing of the same respectively (which said respective periods are herein-after referred to as "the prescribed period") by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund.

Regulations as to sinking fund.

27. If the Local Board determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed:—

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(1) The Local Board in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security within the prescribed period:

(2) The payment to the sinking fund for repayment of moneys to be borrowed under the powers of this Act shall commence on the twenty-fifth day of March next following the time of the borrowing of such moneys respectively:

(3) Provided as follows (that is to say):—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in securities in which trustees are for the time being authorised to invest or in mortgages debenture stock or other securities (not being transferable by delivery) duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the Local Board and any such investments may be from time to time varied or transposed Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund;

(B) The Local Board may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based Provided also that whenever and so long as the yearly income arising from the sinking fund when invested at the same rate of interest as the borrowed moneys then outstanding shall be equal to the

annual interest of such borrowed moneys then outstanding the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Sinking fund may be adjusted in certain events.

28. If the Local Board out of the proceeds of the sale or disposition of lands or other moneys received on capital account other than borrowed moneys repay any principal moneys the payments to the sinking fund (if any) established under the provisions of this Act or the amounts of the instalments for the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Audit of accounts.

29. The two hundred and forty-fifth section the two hundred and forty-seventh section (except so much thereof as is repealed by the District Auditors Act 1879) and the two hundred and forty-ninth and two hundred and fiftieth sections of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Local Board under this Act and to the audit of such accounts.

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

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

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by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to re-borrow.

31. The Local Board may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can re-borrow at a lower rate of interest and so from time to time Provided as follows :—

The time for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed :

For the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan :

The Local Board shall not re-borrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys.

Application of money received from sale of land.

32. Any purchase-money received by the Local Board on any sale of land acquired under this Act and any fines or premiums on leases or other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Local Board relating to their water undertaking and applied in discharge of any moneys borrowed for the purposes of that undertaking but shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Protection of lender from inquiry.

33. A person lending money to the Local Board under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or any part thereof.

Application of money borrowed.

34. Money borrowed by the Local Board under this Act shall be applied only for the purposes of this Act to which capital is properly applicable.

Regulations in section 234 of Public Health Act 1875 not to apply.

35. The powers of borrowing money by this Act authorised shall not be restricted by any of the regulations contained in section two hundred and thirty-four of the Public Health Act 1875 and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Saving for existing charges.

36. In the event of the Local Board borrowing on mortgage or under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885 the whole or any part of the money authorised by this Act nothing in this Act relating to any such borrowing shall prejudicially affect any charge on the revenue and rates or the estates and property of the Local Board subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Costs of Act.

37. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining this Act including the costs charges and expenses incurred in complying with the provisions of the Borough Funds Act 1872 with respect to the promotion of the Bill for this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of moneys borrowed under the provisions of this Act.

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