CHAPTER xliv.

An Act to empower the Ammanford Urban District Council to construct street improvements and for other purposes. [2nd July 1915.]

A.D. 1915.

WHEREAS the urban district of Ammanford in the county of Carmarthen (in this Act referred to as "the district") is under the government of the Ammanford Urban District Council (in this Act referred to as "the Council"):

And whereas it is expedient to empower the Council to construct the street improvements and the underground public convenience and lavatories mentioned in this Act:

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For the purchase of lands for and for the construction of the street improvements authorised by this Act - - - - - - - -	1,100
For the purchase of lands for and for the construction of the public convenience and lavatories authorised by this Act - - - - - -	500:

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

And whereas it is expedient to make further provision in regard to streets buildings sewers and drains in the district as in this Act provided:

And whereas it is the duty of the Council to provide for the sewerage of their district but the borrowing powers of the Council under the Public Health Acts are not sufficient to enable them to raise the loans required for the purpose and it

A.D. 1915.

is expedient that the money borrowed by the Council for the construction of sewers should not be reckoned for the purpose of any limitation on borrowing under the enactments relating to borrowing by an urban district council:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Carmarthen and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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.

Short title.

1. This Act may be cited as the Ammanford Urban District Council Act 1915.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Street Improvements.
Part III.—Public Conveniences and Lavatories.
Part IV.—Further provisions as to Lands and Works.
Part V.—Streets Buildings Sewers and Drains.
Part VI.—Water.
Part VII.—Finance.
Part VIII.—Miscellaneous.

Incorporation of Acts.

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

The Lands Clauses Acts except section 127 (Lands not wanted to be sold within ten years after expiration of time limited for completion of works or in default to vest in owners of adjoining lands) of the Lands Clauses Consolidation Act 1845.

Interpretation.

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

"The Council" means the Ammanford Urban District Council;

"The district" means the urban district of Ammanford;

"The clerk" "the medical officer" and "the surveyor" mean respectively the clerk the medical officer and the surveyor of the district and respectively include any person duly authorised to discharge temporarily the duties of those offices;

"The signed plan" means the plan signed by the Right Honourable the Earl of Donoughmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred showing the lands coloured pink and blue referred to in the section of this Act of which the marginal note is "Power to "purchase lands &c. and to construct public convenience "and lavatories thereunder" which lands together comprise the portion of the Ammanford Council School Yard which is shown on the deposited plans and described in the deposited book of reference (of which plan one copy has been deposited in the Parliament Office of the House of Lords and one copy has been deposited in the Private Bill Office of the House of Commons);

"The Act of 1908" means the Ammanford Urban District Council (Water) Act 1908;

A.D. 1915.

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

"The limits of supply" means the limits for the time being for the supply of water by the Council;

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

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed 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 securities of the Council;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

"Revenues of the Council" includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and rates or contributions leviable by or on the order or precept of the Council.

PART II.

STREET IMPROVEMENTS.

Power to make street improvements.

5. Subject to the provisions of this Act the Council may make and maintain in the district and in the lines and according

to the levels shown on the deposited plans and sections and upon the lands described in the deposited book of reference the street improvements hereinafter described together with all necessary or convenient approaches works and conveniences connected therewith (that is to say):—

Street Work No. 1 A widening and improvement of Station Road on the north-eastern side thereof commencing opposite the south-eastern corner of Harold Street and terminating in College Street at the junction of Station Road with that street:

Street Work No. 2 A widening and improvement of Wind Street on the north-western side thereof commencing at the north-eastern extremity and terminating at the south-western extremity of the wall forming the boundary of the graveyard of St Michael and All Angels' Church abutting on such street:

Street Work No 3. A widening and improvement of Quay Street on the eastern side thereof commencing at the southern extremity of the house known as No. 28 Quay Street and terminating at the southern extremity of the house known as No. 30 Quay Street.

Power to make subsidiary works.

6. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council in connection with and for the purposes of the street improvements by this Part of this Act authorised may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the street improvements or any of them and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such street improvements or any of them or of crossing over or under the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section Provided that the Council shall not alter divert or otherwise

A.D. 1915.

interfere with any pipe wire or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Limits of deviation for street improvements.

7. In the construction of the street improvements by this Part of this Act authorised the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards and two feet downwards.

For protection of Carmarthenshire County Council.

8. The following provisions for the protection of the Carmarthenshire County Council (in this section called "the county council") shall unless otherwise agreed in writing between the county council and the Council apply and have effect:—

(1) The Council shall construct the widening and improvement of Station Road (Street Work No. 1) authorised by this Part of this Act (which works are hereinafter in this section together referred to as "the works") under the superintendence and to the reasonable satisfaction of the county council and according to plans and sections to be submitted to and reasonably approved by the county council before the works are commenced Provided that if for one month after the said plans and sections shall have been submitted to the county council they shall not have expressed their approval or disapproval thereof or signified any requirements in relation thereto they shall be deemed to have approved of such plans and sections:

(2) The works shall be so executed as not to stop or unreasonably impede or interfere with the traffic along any main road:

(3) If in the execution of the works any culverts drains or works of the county council are in any way damaged or interfered with the Council shall to the reasonable satisfaction and under the supervision of the surveyor of the county council execute and do all works and things necessary for making good such damage or preventing such interference or for providing substituted culverts drains or works and if after reasonable notice from the county council the

Council fail so to do the county council may themselves execute and do such necessary works and things as aforesaid and recover the reasonable expense thereof from the Council:

(4) If any difference arises under this section between the county council and the Council or anything to be done or not to be done thereunder the same shall be referred to and determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Ammanford Gas Company.

9. In executing the works authorised by this Part of this Act (in this section referred to as "the works") the following provisions for the protection of the Ammanford Gas Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the company and the Council apply and have effect (that is to say):—

(1) The Council before commencing to execute any of the works which may involve diverting or otherwise altering the position of or interfering with any mains pipes or apparatus of the company (in this section referred to as "apparatus") shall give seven days' notice to the company of their intention to execute such works and shall at the same time deliver particulars of such works so far as they may affect the apparatus of the company and such works shall be carried out in accordance with the reasonable requirements of the company provided such requirements are delivered to the Council by the company within seven days of the receipt of such notice:

(2) All alterations to the apparatus of the company shall be made with as little detriment and inconvenience to the company as circumstances will admit and under the superintendence and to the reasonable satisfaction of the engineer of the company if he thinks fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Council are hereby required to give;

A.D. 1915.

(3) The Council in executing any of the works shall make good all damage done to the apparatus of the company and shall make full compensation to the company for any loss damage or expense which they may sustain or be put to by reason of any interference with or damage to such apparatus:

(4) The foregoing provisions of this section shall be in addition to and not in substitution for any other powers rights or privileges of the company:

(5) Any difference which may arise between the Council and the company under this section shall be determined by an engineer to be agreed upon or failing agreement to be nominated on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Act 1889 shall apply to such arbitration.

PART III.

PUBLIC CONVENIENCES AND LAVATORIES.

Power to purchase lands &c. and to construct public convenience and lavatories thereunder.

10.—(1) Subject to the provisions of this Act the Council may for the purposes mentioned in subsection (2) of this section purchase —

(*a*) The piece of land containing eleven square yards which is delineated and coloured pink on the signed plan:

(*b*) The easement or right of constructing maintaining and using in and under—

(i) The piece of land containing twenty-seven square yards which is delineated and coloured blue on the signed plan; and

(ii) So much of College Street adjoining the said lands coloured pink and blue as is within the limits of deviation shown on the deposited plans

all such buildings structures and works as may be necessary or convenient for the purposes mentioned in the said subsection (2).

(2) Subject to the provisions of this Act the Council may in and under the lands described in paragraph (*b*) of the preceding subsection of this section provide and maintain such sanitary and other conveniences and lavatories as they may think fit and may in the lands described in paragraph (*a*) of the said preceding

subsection provide and maintain a stairway with all necessary walls landings gates and other conveniences to form an entrance to and exit from such conveniences and lavatories.

For further protection of Carmarthenshire County Council.

11. For the protection of the county council of the county of Carmarthen (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the county council and the council apply and have effect in reference to the powers conferred by this Part of this Act (that is to say):—

(1) In this section the expression "the said works" means the sanitary and other conveniences and lavatories and the stairway walls landings gates and other conveniences connected therewith to be constructed by the Council under the provisions of the section of this Act of which the marginal note is "Power to pur- " chase lands &c. and to construct public convenience " and lavatories thereunder" and the other works to be constructed by the Council under the provisions of this section:

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not acquire the surface of any part of the property of the county council comprising the Ammanford Council School (in this section referred to as "the school yard") other than the land coloured pink on the signed plan (in this section referred to as "the pink lands") or any greater or other estate or interest in the land coloured blue on the signed plan (in this section referred to as "the blue lands") than such an easement or right as is referred to in the said section of this Act of which the marginal note is "Power " to purchase lands &c. and to construct public " convenience and lavatories thereunder":

(3) The purchase money and compensation to be paid by the Council to the county council in respect of the purchase of the pink lands and of the easement or right to be acquired by the Council in respect of the blue lands shall be such as may be agreed between them or as failing such agreement may be determined in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement and for that purpose

A.D. 1915.

the acquisition of the said easement or right shall be deemed to be the purchase of land:

(4) The Council shall not use the pink lands for any other purpose than the construction of the stairway and walls landings and other conveniences referred to in the said section of this Act of which the marginal note is "Power to purchase lands &c. and to construct "public convenience and lavatories thereunder" and the entrance to the said stairway shall be provided from College Street and not otherwise:

(5) The Council shall not execute any of the said works except between the months of April and October inclusive in any year and all the said works when commenced shall be completed with all practicable despatch and shall be executed so far as practicable during the school holidays:

(6) Before commencing to execute the said works the Council shall to the reasonable satisfaction of the county council erect and during such execution maintain a close wooden fence along the boundaries of the blue lands and the pink lands of a height of not less than seven feet so as to separate the said lands from the remainder of the said school yard and the county council shall provide all such facilities and permit the user of such land adjoining the blue lands and the pink lands as may be necessary for the purpose of carrying out this subsection Upon the completion of the said works the Council shall remove the said fence and make good the surface of the ground to the satisfaction of the county council:

(7) For the purpose of constructing the said conveniences and lavatories the Council shall excavate from the surface the blue lands and so soon as the said lands shall have been excavated to the required depth the Council shall construct and place thereover a solid roofing not less than one foot six inches in thickness formed of steel or iron plates or troughing and concrete supported on steel girders of such strength as may be approved by the county council or as in case of difference may be determined by arbitration as hereinafter provided and shall provide and lay

upon the upper surface of such roofing bitumen to a depth of not less than two inches and so that the upper surface of such bitumen when set shall be level with the surface of the adjoining portions of the school yard:

(8) The Council shall erect along the eastern and northern sides of the pink lands a wall of the same height and materials as the existing boundary wall of the school yard and shall to the reasonable satisfaction of the county council erect and thereafter maintain such gates railings or fences at the entrance to the said public conveniences and lavatories as may be reasonably necessary for the protection of persons resorting to the said school and shall to the like satisfaction properly light such entrance:

(9) Not less than one month before commencing to construct the said works the Council shall submit to the county council plans sections working drawings and particulars showing in full detail the proposed mode of constructing the said works and the materials to be used therein and the said works shall not be constructed otherwise than in accordance with such plans sections working drawings and particulars as reasonably approved by the county council Provided that if within one month after the submission to them of the said plans sections working drawings and particulars the county council shall not in writing have intimated to the Council their disapproval thereof or have made any requirements with reference thereto they shall be deemed to have approved thereof and that if the county council shall within the said period have intimated such disapproval or have made any requirement with which the Council are unable or unwilling to comply the matter in difference shall be determined by arbitration in manner hereinafter provided:

(10) The said works shall be executed by and at the expense of the Council under the supervision and to the reasonable satisfaction of the county council:

(11) The works to be constructed by the Council pursuant to this section shall at all times be maintained by

A.D. 1915.

the Council to the reasonable satisfaction of the county council and if the Council shall refuse or neglect to make good any want of repair or defect in the roofing referred to in subsection (7) of this section of which the county council shall have given them notice in writing within seven days after the receipt of any such notice the county council shall be at liberty themselves to make good such want of repair or defect and to recover summarily from the Council the expenses incurred by them in so doing:

(12) The county council shall at all times after the completion of the works referred to in this section have and enjoy all such rights interests and privileges in relation to the surface of the blue lands as formed in accordance with the provisions of this section including (but without prejudice to the generality of this provision) the right of erecting and maintaining any building or structure thereover as they have and enjoy in relation to the surface of other portions of the school yard Provided always that the county council shall make good all damage caused to the said works of the Council in erecting or maintaining any building or structure as aforesaid and make full compensation to the Council in respect thereof:

(13) The Council shall not on the blue lands construct erect or place (except temporarily during and for the purpose of the construction of the said conveniences and lavatories) any work structure building or thing above the level of the ground and after the completion of the said works the Council shall not be entitled to any light or ventilation for the said conveniences and lavatories from the blue lands:

(14) The county council shall be at liberty either during the construction or after the completion of the said works (if they reasonably deem it necessary in consequence of the execution of such works) to provide a new entrance and gateway to the school yard in substitution for the existing entrance and gateway adjoining the pink lands and the Council shall on demand repay to the county council the reasonable costs incurred by them in so doing:

(15) All matters which under the provisions of this section are to be determined by arbitration shall be so determined by an arbitrator to be agreed upon between the county council and the Council or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to any such arbitration.

Agreements with Carmarthenshire County Council.

12. The Council on the one hand and the Carmarthenshire County Council on the other hand may enter into and carry into effect vary and rescind agreements in reference to the purchase by the Council of the lands and easement lastly hereinbefore described and the construction maintenance and user of and access to any sanitary or other conveniences and lavatories provided by the Council on in and under the said land and street under the provisions of this Part of this Act.

PART IV.

FURTHER PROVISIONS AS TO LANDS AND WORKS.

Power to acquire lands.

13. Subject to the provisions of this Act the Council may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works by this Act authorised.

Owners may be required to sell parts only of certain lands and buildings.

14. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Council or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

A.D. 1915.

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion which the tribunal shall have determined to be so severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be

severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Period for compulsory purchase of lands.

15. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the date of the termination of the present war.

A.D. 1915.

Correction of errors in deposited plans and book of reference.

16. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Carmarthen 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 such certificate shall be deposited with the clerk of the peace for such county and a duplicate thereof shall also be deposited with the clerk of the council of the district in which the lands affected thereby are situate 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 such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

As to private rights of way over lands taken compulsorily.

17. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Council shall make full compensation to all parties 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.

Costs of arbitration in certain cases.

18. The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant Provided that it shall be lawful for any judge of the High Court to permit any claimant after

seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if it objects to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Compensation in case of recently altered buildings acquired by Council.

19. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the thirtieth day of November one thousand nine hundred and fourteen if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to retain sell &c. lands.

20. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

A.D. 1915.

Proceeds of sale of surplus lands.

21. So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board Provided that—

(1) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase:

(2) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Persons under disability may grant easements &c.

22. 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 Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Temporary stoppage of streets.

23.—(1) The Council during the execution and for the purposes of any works authorised by this Act may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bona fide going to or returning from any house in such street from passing along and using the same.

(2) The Council shall provide reasonable access for persons bona fide going to or returning from any such house.

(3) The Council shall at all times during the exercise of the powers contained in this section maintain a proper and sufficient access both for vehicular and pedestrian traffic to the passenger and goods stations of the Great Western Railway Company near to which any work is being executed by the Council. A.D. 1915.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

Council may define future line of streets.

24.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the chairman of the Council or by the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

(2) The Council may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Council sell the land for the time being unbuilt upon lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Council as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Council shall require the said line to be observed and kept they shall make

A.D. 1915.

full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Council requiring the said line to be observed and kept.

(4) If after any such line has been defined and prescribed as aforesaid any person offends against this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Application of purchase money in certain cases.

25. The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase money coming to parties having limited interests or prevented from treating or not making title shall apply to any purchase money or compensation payable under the foregoing provisions of this Part of this Act.

Further provisions as to new streets.

26. When a road or lane within the district is about to become a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Council may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force within the district require such owner to widen such road or lane so as to give a width not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the owner of such land shall complete the widening of such road or lane so as to comply in all respects with the byelaws of the Council.

Separate sewers for surface water and sewage may be required.

27.—(1) The Council may by resolution declare that any sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for surface water (in this section called a "surface water sewer").

(2) Where under the provisions of any Acts for the time being in force in the district the Council have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts (including powers of appeal) shall apply to such sewers accordingly Provided that the provisions of this subsection shall not be exercised unless and until the Council shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface water sewers.

(3)—(*a*) Where in any street separate sewage sewers and surface water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface water sewers and so far as practicable no surface or storm water other than from back roofs and paved yards of domestic dwellings shall be allowed to pass into the sewage sewers except with the consent in writing of the Council.

(*b*) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(*c*) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient effectually to drain such premises the provisions of this subsection shall not apply to such premises until the Council have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Council may if they think fit make all such alterations.

Council may require enlarged sewer.

28. If in any street not repairable by the inhabitants at large the Council for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

A.D. 1915.

Council may order houses to be drained by a combined drain.

29.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by them.

Power to lay drains in private streets.

30. The Council may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Council may make communication between drains and sewers.

31. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

Reconstruction of drains.

32.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer

of the Council except in accordance with the provisions of the byelaws of the Council relating to the drainage of existing buildings. A.D. 1915.

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

Notice of intention to repair drains.

33.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council or the medical officer twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the inspector of nuisances or any officer of the Council authorised in writing by the medical officer for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Saving for Great Western Railway Company.

34.—(1) Nothing in the sections of this Act hereinafter mentioned shall apply to any work constructed or to be constructed by the Great Western Railway Company as a part of or for the purposes of their railway under any statutory powers or to any lands held or acquired or which may hereafter be held or acquired by that company and used for the purposes (other than a dwelling-house) of their railway with the authority of Parliament.

(2) The marginal notes of the sections of this Act hereinbefore referred to are the following:—

Council may define future line of streets;
Further provisions as to new streets;
Reconstruction of drains;
Notice of intention to repair drains.

Saving as to railway companies.

35. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament.

A.D. 1915.

PART VI.

WATER.

Power to lay pipes in private streets.

36. The Council may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act had been excepted from incorporation in the Act of 1908.

Power to repair communication pipes.

37. If it should appear to the Council that by reason of any injury to or defect in any communication pipe which is situate in a highway and which the Council are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Council in executing such repairs shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Maintenance of common pipe.

38. When 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 Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the surveyor or other officer duly authorised in that behalf by the Council.

Detection of waste.

39.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus.

(2) Provided always that the Council shall not interfere with any electric lines wires or apparatus belonging to or used by

the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Supply of water by hose pipe to stables.

40. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Register of meter to be primâ facie evidence.

41. Where water is supplied by measure by the Council the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Council Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

PART VII.

FINANCE.

Power to borrow.

42.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods each of which is in this Act referred to as "the prescribed period" mentioned in the third column of the said table (namely):—

1.	2.	3.
Purpose.	Amount.	Period for Repayment.
	£	
(*a*) For the purchase of lands for and the construction of the street improvements authorised by this Act.	1,100	Fifty years from the date or dates of borrowing.
(*b*) For the purchase of lands for and the construction of the public convenience and lavatories authorised by this Act.	500	Thirty years from the date or dates of borrowing.
(*c*) For the payment of the costs charges and expenses of this Act as hereinafter provided.	The sum requisite.	Five years from the passing of this Act.

A.D. 1915.

(2) The Council may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge—

As regards moneys borrowed for the purposes (*a*) (*b*) and (*c*) hereinbefore mentioned the district fund and general district rate:

As regards moneys borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe.

The provisions of this subsection shall not limit the powers conferred on the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

As to money borrowed for construction of sewers.

43. Any moneys borrowed or to be borrowed by the Council under the Public Health Acts for the purposes of construction of sewers shall not be reckoned for the purpose of any limitation on borrowing under the enactments relating to borrowing by an urban district council.

Restriction on exercise of borrowing powers.

44. Notwithstanding anything in this Act the Council shall not under the powers of the Public Health Acts for the purpose of the construction of sewers or of this Act borrow any money during the continuance of the present war and twelve months thereafter except for the payment of the costs charges and expenses referred to in the section of this Act the marginal note of which is "Costs of Act" unless the consent of the Treasury has been previously obtained.

Mode of payment off of money borrowed.

45. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or

when the money is repaid by half-yearly instalments within six months from the date of borrowing.

Application of financial provisions of Act of 1908.

46. The following provisions of the Act of 1908 shall with any necessary modifications and subject as regards mortgages granted under the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" to the provisions of that section extend and apply to and for the purposes of this Act as if the same were re-enacted herein and as if the expression "the Council" were inserted therein in lieu of the expression "the borrowing authority" (namely):—

Section 36	Certain regulations of Public Health Act 1875 as to borrowing not to apply;
Section 37	Mode of raising money;
Section 38	Provisions of Public Health Act as to mortgages to apply;
Section 41	Protection of lender from inquiry;
Section 42	Borrowing authority not to regard trusts;
Section 43	Appointment of receiver;
Section 48	Application of money borrowed;
Section 50	Inquiries by Local Government Board.

Power to invest all sinking funds in statutory securities.

47. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to use one form of mortgage for all purposes.

48.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Second Schedule to this Act or to the like effect.

A.D. 1915.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

A.D. 1915.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Sinking fund.

49.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of

A.D. 1915.

the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of the section of this Act of which the marginal note is "Power to use sinking fund instead of borrowing" be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appear to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating

sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appear to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Payment to sinking fund of money received on capital account.

50. Unless the Local Government Board otherwise direct the Council shall pay into the sinking fund all such money being capital or in the nature of capital and not being wholly or in part otherwise appropriated or required to be otherwise applied as shall from time to time arise from any sale lease or other disposition of land or other property of the Council in

A.D. 1915.

respect of or for which any of the moneys have been borrowed under this Act and as shall from time to time arise from any other source under this Act.

Power to use sinking fund instead of borrowing.

51.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(*a*) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(*b*) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(*a*) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund:

(*b*) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

(*c*) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the

principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Power to re-borrow.

52.—(1) The Council shall have power—

(*a*) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(*b*) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

A.D. 1915.

(c) Out of moneys derived from the sale of land; or

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 44 (Power to re-borrow) of the Act of 1908 is hereby repealed but without prejudice to anything done or suffered to be done thereunder.

Returns to Local Government Board as to sinking funds.

53.—(1) The clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in respect of any of the moneys raised by the Council in pursuance of any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by a statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment

or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(3) Section 45 (Return to Local Government Board as to repayment of debt) of the Act of 1908 shall be read and have effect as if the words "the clerk of the Llandilofawr Council" were inserted therein in lieu of the words "the clerk of the borrowing authority."

Scheme for fixing equated periods.

54.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of

A.D. 1915.

the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

PART VIII.

MISCELLANEOUS.

Expenses of executing Act.

55. Save as otherwise by this Act expressly provided all expenses incurred by the Council in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys) shall be paid out of the district fund or general district rate Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Council may apportion the same between those accounts in such manner as they deem equitable.

In executing works for owner Council liable for negligence only.

56. Whenever the Council or the surveyor or other duly authorised officer of the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing (not being undertakers under any Act or Order made under the Tramways Act 1870 the Light Railways Act 1896 or the Electric Lighting Acts 1882 to 1909) the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or other such officer as aforesaid or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Evidence of appointments authority &c.

57. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under this Act or under any general or local Act for the time being

in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Consent of Council to be in writing.

58. All consents given by the Council under the provisions of this Act shall be given in writing and unless otherwise prescribed may be given under the hand of the clerk.

Expenses may be declared private improvement expenses.

59. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Authentication and service of notices &c.

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

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

As to appeal.

61. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council or by any conviction or

A.D. 1915.

order made by a court of summary jurisdiction under any provisions of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Compensation how to be determined.

62. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Power of entry and protection of officers from personal liability.

63. The provisions of section 102 (Power of entry of local authority) section 103 (Penalty for disobedience of order) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of Part VI. of this Act as if those purposes had been mentioned in the said sections.

Apportionment of expenses in case of joint owners.

64. Where under the provisions of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Informations by whom to be laid.

65. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Penalties to be paid over to treasurer.

66. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act shall be paid to the treasurer of the Council and be by him carried to the credit of the district fund or to such other fund as the Council shall direct.

Saving for indictments &c.

67. 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.

Summons or warrant may contain several sums.

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

Powers of Act cumulative.

69. All powers rights and remedies given to the Council 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 Council 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.

Recovery of penalties &c.

70. 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 may be prosecuted and recovered in a summary manner Provided that costs and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

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

Judges not disqualified.

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

Crown rights.

73. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

A.D. 1915.

Costs of Act.

74. The costs charges and expenses preliminary to and of and incidental to the preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED BY THE COUNCIL.

Parish.	Numbers on deposited Plans.
Parish and urban district of Ammanford	Street Work No. 2. 5. Street Work No. 3. 6 and 7. Land for public convenience. 8.

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Ammanford Urban District Council Act 1915 and of other their powers in that behalf them enabling the Ammanford Urban District Council (hereinafter called "the Council") in consideration of the sum of

pounds paid to the treasurer of the Council by (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of

pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the

day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly [on the day of and

A.D. 1915.

the day of
in each year] And it is hereby agreed that the said principal sum of pounds shall be repaid at the office of the Council in the said district [(subject as hereinafter provided) on the day of one thousand nine hundred and] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of one thousand nine hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and [and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of one thousand nine hundred and .

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] [of] in consideration of the sum of pounds paid to me by of (hereinafter called "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written

security] [the mortgage number of the revenues of the Ammanford Urban District Council bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and .

Printed by EYRE and SPOTTISWOODE, LIMITED,
FOR
FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

To be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LIMITED, 29, BREAMS BUILDINGS, FETTER LANE, E.C., and
28 ABINGDON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LIMITED, 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America, and other Foreign Countries of
T. FISHER UNWIN, LIMITED, LONDON, W.C.