CHAPTER xcix.

An Act to confer further powers on the urban district council of Barry in regard to their water and gas undertakings to extend the powers of the Council with regard to the improvement health and local government of the district and for other purposes. A.D. 1913.

[15th August 1913.]

WHEREAS the district of Barry in the county of Glamorgan is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Barry Urban District Council (in this Act called "the Council"):

And whereas the Council are the owners of the gas and water undertakings authorised by the Barry and Cadoxton Gas and Water Acts 1886 and 1889 and by virtue of the Barry and Cadoxton Local Board (Gas and Water) Act 1893 and the Barry Urban District Council Act 1896 supply gas and water within the limits prescribed by those Acts:

And whereas several of the provisions of the before-mentioned Acts are obsolete or have been superseded and it is expedient to repeal the same to the extent provided by this Act:

And whereas it is expedient that further powers as in this Act contained should be conferred upon the Council with respect to their water and gas undertakings:

And whereas it is expedient that better provision should be made with reference to the seashore and recreation grounds within the district and that the powers of the Council in relation to streets and buildings and the improvement health and local government of the district should be enlarged and altered as by this Act provided:

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

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

And whereas the following adoptive Acts are in force within the district namely:—

The Baths and Washhouses Acts 1846 to 1899;

The Burial Acts 1852 to 1900;

The Infectious Disease (Prevention) Act 1890;

The Public Health Acts Amendment Act 1890 (Parts II. III. and IV.);

The Museums and Gymnasiums Act 1891;

The Public Libraries Acts 1892 to 1901;

The Private Street Works Act 1892;

The Notification of Births Act 1907:

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:

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 Barry Urban District Council Act 1913.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Gas.

Part IV.—Pleasure grounds seashore &c.

Part V.—Streets buildings sewers and drains.

Part VI.—Infectious disease and sanitary provisions.

Part VII.—Financial.

Part VIII.—Miscellaneous.

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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) :—

(1) The Lands Clauses Acts (except the provisions thereof with respect to the taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845) :

(2) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words "with the consent in writing of "the owner or reputed owner of any such house "or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847 ;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts :

(3) The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and section 38) Provided that section 13 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Council shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section :

(4) The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof).

Interpretation.

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act or by the Public Health Acts 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 And in this Act unless the subject or context otherwise requires—

"The district" means the urban district of Barry ;

"The clerk" "the surveyor" "the medical officer" and "the inspector of nuisances" mean respectively the

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clerk the surveyor the medical officer of health and any inspector of nuisances of the Council and include respectively any person duly authorised to discharge temporarily the duties of those offices;

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

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

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the district;

"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 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;

"The Act of 1893" and "the Act of 1896" mean respectively the Barry and Cadoxton Local Board (Gas and Water) Act 1893 and the Barry Urban District Council Act 1896;

"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.

Application of Act.

5. This Act shall extend and apply to and within the district except where otherwise expressed or implied.

Repeal of Barry and Cadoxton Gas and Water Acts 1886 and 1889.

6. The Barry and Cadoxton Gas and Water Acts 1886 and 1889 are hereby repealed except the provisions of the first-mentioned Act which are set out in Part I. of the First Schedule to this Act and the Council shall have the powers and rights and be subject to the obligations of such provisions as if the Council were named therein instead of the Barry and Cadoxton Gas and Water Company.

Repeal of certain provisions of Acts of 1893 and 1896.

7. The sections of the Act of 1893 and the Act of 1896 of which the numbers and marginal notes are set forth in Part II. of the First Schedule to this Act are hereby repealed.

PART II.

WATER.

Water limits of supply.

8. The limits of this Act for the supply of water (in this Act called "the water limits of supply") shall be the district the parishes of Sully Wenvoe and Porthkerry and so much of the parish of Saint Andrew's Major as lies on the western side of Dinas Powis brook and is not included within the limits for the supply of water by the corporation of Cardiff all in the county of Glamorgan.

Power to maintain existing waterworks authorised by Acts of 1886 and 1889.

9. The Council may maintain repair renew alter enlarge and extend the well shafts reservoirs conduits and all other waterworks authorised by the Barry and Cadoxton Gas and Water Acts 1886 and 1889 and may use and employ the same for the purpose of taking diverting and impounding water and may take divert and impound any water which if this Act had not been passed might have been taken diverted or impounded by the works authorised by the before-mentioned Acts.

Power to purchase additional lands by agreement.

10. Subject to the provisions of this Act the Council in addition to any other lands which they now hold or are authorised to acquire may by agreement purchase take on lease

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acquire and hold further lands for the purposes of their water undertaking but the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their undertaking.

Persons under disability may grant easements &c.

11. 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.

Power to sell and lease land.

12.—(1) Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Council may sell or let on lease for such periods as they think fit any lands for the time being belonging to them and which may not at the time be required for the purposes of their water undertaking and may retain and hold sell and dispose of any interest in or reversion to any lands so let and any such sale disposal or lease may be for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Council think fit.

(2) The provisions of section 31 of the Act of 1896 shall apply to the proceeds of the sale of any lands under this section.

Reservation of water rights &c. on sale.

13. The Council on selling any lands acquired by them in connection with their water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservation special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or

discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Temporary discharge of water into streams.

14.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any of the waterworks acquired by the Council under the Act of 1893 or authorised by the Act of 1896 the Council may cause the water in such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

Application of Waterworks Clauses Act 1847 to conduits discharge pipes and telephones.

15. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance of the aqueducts or conduits acquired by the Council under the Act of 1893 or authorised by the Act of 1896 and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may and which they are hereby authorised to erect or lay down for the purposes of their water undertaking.

For protection of Postmaster-General.

16. Any telephone or telegraph posts wires conductors apparatus or other means of electric communication erected laid down or maintained by the Council under the authority of this Act shall not be used for transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1911.

Rates for supply of water for domestic purposes.

17. The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say):—

Where the rateable value of the premises so supplied with water shall not exceed seven pounds at a rate not exceeding twopence per week;

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Where such rateable value shall exceed seven pounds and shall not exceed twenty pounds at a rate per centum per annum not exceeding eight pounds ten shillings;

Where such rateable value shall exceed twenty pounds and shall not exceed forty pounds at a rate per centum per annum not exceeding eight pounds;

Where such rateable value shall exceed forty pounds and shall not exceed sixty pounds at a rate per centum per annum not exceeding seven pounds ten shillings;

Where such rateable value shall exceed sixty pounds and shall not exceed eighty pounds at a rate per centum per annum not exceeding six pounds ten shillings;

Where such rateable value shall exceed eighty pounds and shall not exceed one hundred pounds at a rate per centum per annum not exceeding six pounds five shillings;

Where such rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding six pounds.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

Nothing in this section shall entitle the Council in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum than they would be entitled to demand if the house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum is chargeable.

In addition to the foregoing charges the Council may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the

water limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. A.D. 1913.

As to supply of water for other than domestic purposes.

18. A supply of water for domestic purposes shall not include a supply of water for cattle or for horses or for washing carriages or motor cars or a supply for any trade manufacture or business or for watering gardens or for fountains or for any ornamental purposes :

Provided always that in the case of stables or premises in which horses carriages or motor cars are kept for private use and which are occupied with and rated along with any private dwelling-house the water supplied for domestic purposes may be used for such stables or premises if the water rate is assessed upon the rateable value of the private dwelling-house including such stables or premises and no additional charge shall be made for water supplied to such stables or premises unless a hose pipe or similar apparatus be used in which case the Council may make such additional charge therefor 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.

Rates payable by owners of small houses.

19. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Council not bound to supply several houses by one pipe.

20. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

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Notice of discontinuance.

21. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council or be given by the consumer personally at the office of the Council.

Detection of waste.

22.—(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 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 by measure.

23. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Supply to houses partly used for trade &c.

24. The Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or any hospital school or public institution (other than a union workhouse) maintained in whole or part by or at the expense of any authority other than the Council.

Price of supply by measure.

25. The price to be charged for a supply of water by measure shall not exceed one shilling and sixpence per thousand gallons Provided that the Council shall be entitled to charge for each

such supply (other than a supply given under the provisions of the section of this Act the marginal note whereof is "Supply to houses partly used for trade &c.") such minimum sum not exceeding five shillings as they may prescribe in respect of the water supplied in any quarter of a year.

Hire of fittings and exemption from distress &c.

26. The provisions of section 14 (Power to let meters for hire) of the Waterworks Clauses Act 1863 shall extend to authorise the Council to let for hire any water fittings and other apparatus which the Council are authorised to furnish under section 24 of the Act of 1893 to any person supplied by them with water and shall apply to the water fittings and other apparatus so let for hire.

Notice to Council of connecting or disconnecting meters.

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

Injuring meters &c.

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

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly

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registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable.

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

Power to lay pipes in private streets.

29.—(1) The Council may on the application of the owner or occupier of any premises within the water limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street were a street within the meaning of those Acts and were dedicated to public use.

(2) Provided that the Council shall not lay down or place any pipe conduit service pipe or other work in any street not dedicated to public use either (A) except with the consent of the Barry Railway Company where such street belongs to the Barry Railway Company and is used by them for the purposes of their railways or docks or (B) except with the consent of that company (which shall not be unreasonably withheld) where the application is for a supply for trade purposes to any premises which are owned or leased by that company under their statutory powers and to which that company are for the time being entitled to supply water for trade purposes Provided also that where any such pipe conduit service pipe or other work is laid down exclusively for the purposes of domestic supply it shall not so long as the street in which it is laid down is not dedicated to public use be used for the purposes of trade supply except with the consent of the company which shall not be unreasonably withheld.

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(3) Any question which may arise between the said company and the Council as to whether the consent of the company has in any case been unreasonably withheld shall be referred to and determined by an engineer or other fit person to be appointed (failing agreement) by the Local Government Board 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 Barry Railway Company.

30.—(1) Any work executed by the Council under the powers of the sections respectively contained in Parts II. and III. of this Act the marginal note of each of which is "Power to lay pipes in private streets" in any street belonging to the Barry Railway Company (in this section referred to as "the company") shall be constructed in accordance with plans and sections to be previously submitted to and reasonably approved by the company and if at the expiration of thirty days from the submission of such plans and sections the company shall not have objected to such plans and sections then the company shall be deemed to have approved of the same.

So far as any such work as aforesaid will interfere with any railways hydraulic mains or other works of the company the same shall if the company so require be constructed by the company at the cost of the Council and in accordance with such plans and sections and within such time as the Council may reasonably require.

(2) It shall be lawful for the company whenever they shall require so to do for or in connection with any purpose of their undertaking at their own expense and in such manner as may be agreed between the company and the Council or as failing such agreement may be determined by arbitration as hereinafter provided to take up and relay in a different position or to raise or lower the level of any mains pipes or works for or in connection with the supply of water or gas or any sewer or drain laid or placed by the Council under or upon lands of the company.

(3) If any difference shall arise between the company and the Council under this section such difference shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed by the Local Government Board on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such determination.

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Entry on premises to remove fittings and meters.

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

Register of meter to be primâ facie evidence.

32. Where water is supplied by measure 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.

Power to Council to repair communication pipes.

33. 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 persons 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.

34. When several houses or parts of houses in the occupation of several persons are supplied 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 water engineer of the Council.

Dates for payment of water rates.

35. Notwithstanding anything contained in section 70 (Rates to be paid quarterly) of the Waterworks Clauses Act 1847 the Council may by resolution declare that their water rents rates and charges shall be payable at such date or dates as the Council may from time to time appoint Provided that no person shall be compellable to pay water rents rates or charges so demanded for any longer period in advance than three calendar months.

Contracts for supplying water in bulk.

36. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the water limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits of supply Provided also that nothing in this section shall authorise the Council to lay any mains beyond the water limits of supply.

Part III.

Gas.

Gas limits of supply.

37. The limits of this Act for the supply of gas (in this Act called "the gas limits of supply") shall be the district and the parishes of Sully Wenvoe Porthkerry and Saint Andrew's Major all in the county of Glamorgan.

Power to manufacture and supply gas and residual products.

38. The Council may manufacture and supply gas for lighting heating motive power and other purposes within the gas limits of supply and may manufacture convert provide sell and deal in all residual products resulting from the manufacture of gas and generally may carry on the business usually carried on by a gas authority.

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Power to erect and maintain gasworks &c.

39. The Council may in or upon the lands described in the Second Schedule to this Act or any part or parts thereof erect construct maintain enlarge alter improve extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits of supply and may on the said lands manufacture and convert all residual products resulting from the manufacture of gas.

Power to purchase lands by agreement.

40. The Council may for the purposes of their gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands now belonging to them any lands and hereditaments not exceeding in the whole five acres but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to this Act.

Power to lay pipes in private streets.

41. The Council may on the application of the owner or occupier of any premises within the gas limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Acts 1847 and 1871 shall apply as if the street were a street within the meaning of those Acts and were dedicated to public use:

Provided that the Council shall not without the consent of the Barry Railway Company lay down or place any pipe or other work in any street not dedicated to public use where such street belongs to that company and is used by them for the purposes of their railways or docks.

Power to lay pipes for ancillary purposes.

42. The Council may lay down place repair alter remove and renew mains and pipes within the gas limits of supply for the purpose of procuring conducting or disposing of any tar or other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as they are applicable extend and apply mutatis mutandis to the exercise of the powers of this section.

Limit of price.

43. The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed three shillings and sixpence per thousand cubic feet.

Charge for gas supplied by means of prepayment meters.

44.—(1) The Council may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the gas limits of supply through any other kind of meter or by any other method of supply.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

(3) The charge for the hirè of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Council in connection therewith.

(5) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Testing place.

45. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place at the gasworks which has been provided by the Council.

Testing quality.

46.—(1) The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light

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produced by fifteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer or the table photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Council or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Council shall within three months after the passing of this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

Pressure.

47.—(1) All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Council shall afford to the examiner all reasonable facilities for making the test.

Saving as to penalties.

48. No penalty shall be incurred by the Council for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Council Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Council.

Power to supply gas fittings.

49. The Council may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges

pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon. A.D. 1913.

Gas fittings not to be subject to distress &c.

50. Any engines stoves ranges pipes and other gas fittings let by the Council for hire under this Act shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be and all such fittings shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Council Provided that nothing in this section shall affect the amount of assessment for rating of any premises upon which any such fittings are or shall be fixed Provided also that the Council shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall be marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

Gas consumers to give notice before removing.

51. At least twenty-four hours' notice shall be given to the Council by every gas consumer either personally at the office of the Council or in writing before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Council.

Supply of gas where consumer has separate supply.

52. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Council a supply of gas for any premises for which he has at the same time a supply of gas from any installation other than that of the Council or a supply of electricity unless he shall have previously agreed

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to pay the Council such minimum annual sum as will give them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Power to refuse supply to persons in debt for other premises.

53. If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas charges and meter rent due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Notice to discontinue supply of gas.

54. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council or be given by the consumer personally at the office of the Council.

Period of error in defective meters.

55. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Council.

Power to require use of anti-fluctuators for gas engines.

56. Every consumer of gas supplied by the Council who uses a gas engine shall if required to do so by the Council use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper repair and in default of his so using or keeping such anti-fluctuator in proper repair the Council may cease to supply gas to such consumer The Council shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Council if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

Silencers for internal combustion engines.

57.—(1) Every consumer of gas whether supplied by the Council or from any other source and every other person who uses a stationary or fixed internal combustion engine shall provide and use effective means to silence the exhaust gases of such engine and shall at all times at his own expense keep the same in proper repair and in default of his so providing using or keeping the same in proper repair the Council may if gas is supplied by them cease to supply gas to such consumer The Council shall have access to and be at liberty to inspect and test at all reasonable times any means of silencing so provided such inspecting and testing to be done at the expense of the Council if the means of silencing be found in proper order but otherwise at the expense of the consumer or other person aforesaid.

(2) Any person neglecting to carry out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Council may contract with local authority &c. for supply in bulk.

58. The Council may contract with any local authority company or persons authorised to supply gas under Parliamentary powers in any district adjacent to the gas limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond the gas limits of supply.

Part IV.

Pleasure Grounds Seashore &c.

Meanings of expressions in this Part of Act.

59. In this Part of this Act—

"The signed plan" means the plan signed in triplicate by Ernest Gardner the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the clerk of the Council;

"The Whitmore Bay Pleasure Grounds" means the lands granted and conveyed to the Council for public

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purposes by the Earl of Plymouth under indenture of conveyance made the thirty-first day of July one thousand nine hundred and nine which lands are delineated on the signed plan and thereon coloured purple blue red yellow and green;

"The Whitmore Bay foreshore" means that part of the foreshore of the sea between high-water mark and low-water mark of ordinary tides adjoining Whitmore Bay and extending from Friars Point on the west to Nell's Point on the east as the same is more particularly delineated on the signed plan and thereon coloured brown;

"Recreation ground" means any public park promenade walk garden pleasure ground or open space for the time being belonging to or under the control or management of the Council;

"The seashore" means the foreshore west of Nell's Point and all the beach sands and any seawall or bank adjoining the same within the district and for the time being vested in or leased to the Council.

Provision and use of booths tents shops stalls and stands.

60.—(1) The Council may in the Whitmore Bay Pleasure Grounds and in any other recreation ground and upon the Whitmore Bay foreshore (so far as it is for the time being vested in or leased to the Council) erect provide furnish equip and repair and may permit any person subject to such charges and upon such terms and conditions as the Council think fit to use and carry on booths tents shops stalls or stands for the sale of refreshments or of articles or commodities of any kind or for the giving of entertainments exhibitions and amusements.

(2) The Council may let for such periods and upon such terms and conditions as they think fit any booths tents shops stalls or stands erected or provided by them under this section.

(3) The Council may upon such terms and conditions as they think fit permit any person by whom any booths tents stalls or stands are used or carried on under this section to make charges for the use of any such booths tents stalls or stands or for admission to entertainments exhibitions and amusements therein.

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(4) Provided that the Council shall not exercise the powers conferred upon them by this section so as to contravene any covenant or condition subject to which the Whitmore Bay Pleasure Grounds or other recreation ground are held by the Council without the consent of the person or persons entitled in law to the benefit of such covenant or condition.

Penalty for unauthorised erection of booths &c.

61. If any person shall erect provide or place or maintain in the Whitmore Bay Pleasure Grounds or upon the Whitmore Bay foreshore or in any recreation ground any booth tent shop stall stand or other erection or obstruction or shall use or carry on the same except in pursuance of the provisions of this or some other Act of Parliament or with the consent in writing of the Council he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Byelaws as to Whitmore Bay Pleasure Grounds and foreshore.

62.—(1) The Council may make byelaws with respect to the Whitmore Bay Pleasure Grounds and the Whitmore Bay foreshore for all or any of the following purposes (that is to say):—

(A) For prescribing and defining an area or areas for the sale or hawking or offering for sale of such articles or commodities on such days of the week and during such hours as may be stated in or fixed in pursuance of the byelaws:

(B) For empowering the Council to demand and receive a charge from any person selling or hawking or offering for sale any articles or commodities within the area or areas defined as aforesaid and for fixing the amount of the said charges and the period to be covered by the same:

(C) For prohibiting the sale hawking or offering for sale of any articles or commodities by any person except within the area or areas defined as aforesaid and after payment of the said charge and during the period covered by the payment thereof as fixed by the byelaws:

(D) Generally for the regulation of the Whitmore Bay Pleasure Grounds and the Whitmore Bay foreshore and the preservation of order and good conduct among persons frequenting the same and for the removal of any person infringing any such byelaw by any officer of the Council or any constable.

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(2) If and when byelaws are made under subsection (1) of this section with respect to the Whitmore Bay foreshore the existing byelaws of the Council made under section 81 of the Act of 1896 shall cease to apply to the Whitmore Bay foreshore and if and when byelaws are made under paragraph (D) of subsection (1) of this section for the regulation of the Whitmore Bay Pleasure Grounds the existing byelaws of the Council made under section 164 of the Public Health Act 1875 shall cease to apply to those pleasure grounds.

(3) As from the passing of this Act the powers of the Council to make byelaws under section 81 of the Act of 1896 shall cease to be in force in respect of the Whitmore Bay foreshore.

(4) Provided that the powers by this section conferred upon the Council shall not be exercised so as to contravene any covenant or condition subject to which the Whitmore Bay Pleasure Grounds are held by the Council without the consent of the person or persons entitled in law to the benefit of such covenant or condition.

Seats and chairs for public use.

63. The Council may place or authorise any person or persons to place seats or chairs for the use of the public on the seashore and on any lands adjacent thereto for the time being vested in or leased to the Council and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of the seats and chairs and for preventing injury or damage thereto.

Charge for use of parts of recreation grounds for certain purposes.

64. When any portion of a public park or pleasure ground is set apart by the Council for any purpose under paragraph (B) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and is specially laid out and maintained for any such purpose the Council may charge reasonable sums for the use thereof for that purpose.

Occasional use of Romilly Park for special purposes.

65. In addition to the powers of the Council under section 44 of the Public Health Acts Amendment Act 1890 the Council may from time to time on giving reasonable public notice by advertisement in a local newspaper circulating within the district and by placard close to the public the Romilly Park or any part or parts thereof on such days as they think fit

(not exceeding six days in any one year) and may on any such day take money or permit the taking of money for the use thereof or for admission thereto for any special purpose they may approve Provided that the said park or part thereof shall not be closed on any Sunday or public holiday. A.D. 1913.

Removal of sand &c. from sea-shore.

66. Any person other than a grantee from the Crown who at any time digs carries away or removes any sand gravel shingle rock or other material from the seashore without having first obtained the permission in writing of the Council or who having obtained such permission digs carries away or removes any sand gravel shingle rock or other material from any part of the sea-shore or in any quantity or manner other than the part quantity or manner permitted shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to appoint officers.

67. The Council may appoint officers for securing the observance of this Part of this Act and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable until he has been so sworn in and unless he is in uniform or provided with a warrant.

Receipts and expenses.

68. The moneys received by the Council under this Part of this Act shall be carried to the credit of the district fund and the expenses incurred by them in exercising the powers contained in this Part of this Act may be paid out of the same fund.

Saving for Romilly Estate.

69. Nothing in this Part of this Act or in any byelaw made thereunder shall take away prejudice abrogate or alter any estate right power or interest in or over the foreshore of Porthkerry Bay now vested in or exerciseable by Samuel Henry Romilly or his successors or assigns or the personal representatives of the late Charles Edward Romilly or their or his successors or assigns (in this section referred to as "the owners") Provided always that nothing contained in this section shall be held to recognise or confirm any right title or claim of the owners to the foreshore below high-water mark but the right and title to such foreshore shall remain in the same state as if this Act had not been passed.

Saving for Barry Railway Company.

70. Nothing in this Part of this Act or in any byelaw made thereunder shall take away prejudice abrogate or alter any estate right power or interest in or over any part of the foreshore of

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the sea between high-water mark and low-water mark of ordinary tides now vested in or exerciseable by the Barry Railway Company Provided always that nothing contained in this section shall be held to recognise or confirm any right title or claim of the said company to the foreshore below high-water mark but the right and title to such foreshore shall remain in the same state as if this Act had not been passed.

Part V.

Streets Buildings Sewers and Drains.

Continuation of existing streets to be deemed new streets.

71. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force be deemed to be a new street.

Widening of roads when only one side is built upon.

72. When a road or lane 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 is about to be built on the Council may instead of requiring the owner of such land 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 when the land on the opposite side of such road or lane is about to be built on the Council shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the byelaws of the Council and the said owner shall complete the same accordingly.

Width of main thoroughfares.

73.—(1) Where in the opinion of the Council a new street not being a back street will form a continuation of or means of communication with a main thoroughfare or a continuation of or means of communication with a main approach to the district the Council may if they see fit require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may see fit and the Council shall thereupon make full compensation to the owner or owners of and to any other person interested in the lands abutting upon the said new street for any damage which may be sustained by him or them

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by reason of such houses or other buildings being required to be set back as aforesaid and failing agreement the amount of such compensation shall be determined by arbitration in manner provided by the Lands Clauses Acts Provided always that the Council may if they think fit instead of paying the compensation to such owner or owners under this section agree with him or them for the purchase of the said lands or any part or parts thereof.

(2) All moneys payable by the Council by way of compensation or for the purchase of lands under this section may be defrayed out of moneys authorised by this Act to be borrowed with the sanction of the Local Government Board.

(3) For the purpose of this section "back street" means any street or passage intended to be used only as an access to the back of any building.

Restrictions on placing rails beams &c. over streets.

74. It shall not be lawful for any person to fix or place any overhead rail beam cable or pipe or other similar apparatus (other than apparatus for telegraphic telephonic or railway signalling purposes) over across or along any street without the consent of the Council which consent shall be in writing under the hand of the clerk and may contain such terms and conditions as the Council think fit Any person acting in contravention of the provisions of this section and of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply or to any apparatus belonging to His Majesty's Postmaster-General.

Forecourts to be fenced off from streets.

75. Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection on any forecourt area or space left in front of such building such forecourt area or space shall if required by the Council be well and sufficiently fenced off from the footpath or street and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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Means of escape from buildings in case of fire.

76.—(1) Every new building exceeding thirty-five feet in height used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council shall have issued a certificate that the provisions of this subsection have been complied with in relation thereto.

(2) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(3) Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

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

As to buildings of iron steel or reinforced concrete.

77. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the district regulating the construction of buildings the Council shall have power to relax or modify such provisions in the following cases and subject to the following provisions (that is to say):—

(1) Where a person is desirous of erecting an iron steel or reinforced concrete building or structure he shall make an application to the Council accompanied by complete plans sections and elevations of the proposed building with such details and other particulars as to the construction thereof as may be required by the Council:

(2) The Council if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars:

(3) The Council may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection

of such building and structure make and issue such general rules as they think fit as to the place time and manner of making applications and as to the plans sections elevations details and particulars to be deposited with the Council and as to the precautions to be taken in connection with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively.

Provision of food storage accommodation in new houses.

78. Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Erection of buildings to greater height than adjoining buildings.

79.—(1) In case any building is after the passing of this Act erected or raised to a greater height than the adjoining building or buildings and any flues or chimneys of such adjoining building or buildings are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

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

Power to require repair or taking down of dilapidated building.

80.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Council may make an order upon the owner thereof requiring him within a reasonable time to be prescribed by the order either to put such building (in this section referred to as a "neglected structure") into a state of repair and good condition to the satisfaction of the Council or to take down the same and in addition to or in substitution for the foregoing order they may make an order upon such owner requiring him to fence the

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ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed within the time thereby prescribed the Council at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order provides for the taking down of a neglected structure or any part thereof the Council in executing the order may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council out of the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Power to require specially large sewer in new street.

81. 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.

Making of communications between drains and sewers.

82. If the owner or occupier of any premises 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.

83.—(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.

(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.

84.—(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 surveyor 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 surveyor or any officer of the Council authorised in writing by the clerk for the purpose of inspection.

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

Provisions as to combined drainage for two or more houses.

85. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Power to order houses to be drained by a combined drain.

86.—(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 a sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses 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 of 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

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recovered by the Council from such owners summarily as a civil debt.

(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 the Council except with the consent of the owner or owners of the said house.

Discharge and trapping of pipes from slop-stones baths and basins.

87.—(1) Every pipe from any slop-stone bath or basin in a building shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully grating at a suitable distance and every gully grating or other inlet to the drains shall be properly trapped.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with a notice from the Council requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(3) Provided that this section shall only apply to buildings existing at the passing of this Act and that any expense incurred in respect of any such building beyond the sum of two pounds shall be borne by the Council.

Soil pipes to be ventilated.

88.—(1) The soil pipe of any water-closet within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method subject to the provisions of section 37 of the Public Health Acts Amendment Act 1907 as the Council shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Improper construction or repair of water-closet or drain.

89. If a water-closet drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

As to houses without proper water supply.

90. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

Watercourses not to be covered over except in accordance with approved plans.

91.—(1) Before the owner of any land shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Council plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Council may subject as hereinafter provided require such owner so to construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse:

Provided that—

(A) No requirement of the Council under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted:

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(B) If with the consent of such owner the Council shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Council.

(2) If any difference shall arise between the Council and such owner as to the expediency or necessity of the works required by the Council to be executed or otherwise under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

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

(4) This section shall not apply to any land belonging to the Barry Railway Company and used by that company for the purposes of their railways or docks.

Saving for railway companies.

92. Nothing in this Part of this Act or in any byelaw made thereunder shall apply to any building (not being a dwelling-house) belonging to any railway or dock company and used by such company as a part of or in connection with their railway or dock under any Act of Parliament or to any street so belonging and used as aforesaid.

PART VI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Regulation of manufacture and sale of ice-cream.

93.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who—

(A) Causes or permits ice-cream or other similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping-room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Council shall compensate the owner of the ice-cream commodity or materials so destroyed.

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Council would have under section 102 of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

Power to close polluted wells &c.

94.—(1) On the representation of any person to the Council that the water in any well tank or cistern or supplied from any pump pipe or other source is used by man for domestic purposes or for manufacturing drink for the use of man and is so polluted as to be injurious or dangerous to health a petty sessional court on complaint by the Council and after hearing

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the person who is the owner or occupier of the premises to which the well tank cistern pump pipe or other source belongs if it be private or in the case of a public well tank cistern pump pipe or other source the person who is alleged in the complaint to be interested in the same or after giving him an opportunity of being heard may by summary order direct the well tank cistern pump pipe or other source of supply to be permanently or temporarily closed or the use for the purposes aforesaid of the water supplied by means thereof to be discontinued or make such other order as appears to the court requisite to prevent injury or danger to the health of persons drinking the water.

(2) The Council may take samples of the water complained of and may cause the same to be analysed or the court may if they see fit cause the water to be analysed at the cost of the Council.

(3) If the person on whom the order is made fails to comply therewith he shall be liable to a fine not exceeding twenty pounds and a petty sessional court on complaint by the Council may authorise the Council to execute the order and any expenses incurred by them in so doing may be recovered in a summary manner from the said person.

Wilful damage to drains water-closets &c.

95.—(1) If any person causes any drain water-closet earth-closet privy ashpit or dustbin to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds.

(2) Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Solid matter not to be thrown or conveyed into rivers or watercourses.

96. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the district so as to interfere with the due flow of such watercourse shall be liable to a penalty not exceeding five pounds.

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Power to appoint additional inspectors of nuisances.

97. The Council may appoint and pay as many inspectors of nuisances as may in their judgment be necessary for the proper execution of the provisions of the Public Health Acts and of the local Acts in force in the district Provided that the Glamorgan County Council shall not be required to pay any part of the salary of more than one inspector of nuisances.

Prohibition of slaughtering elsewhere than in public slaughterhouses.

98. So long as the Council shall provide adequate slaughterhouse accommodation conveniently situated no person shall slaughter in the way of trade or dress for sale any cattle beast sheep or swine within the district except in the premises provided for that purpose by the Council and if any person shall act in contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds for each such offence:

Provided that nothing in this section shall prevent a farmer from slaughtering on land occupied by him for agricultural purposes any cattle belonging to him for his own use or with the consent of the Council for any other purpose or in case of emergency without such consent but no part of the carcase of any animal so slaughtered by a farmer shall be removed from the farm until after inspection by the medical officer or the inspector of nuisances such inspection to be made within a reasonable time:

Nothing in this section contained shall interfere with the operation or effect of the Diseases of Animals Acts 1894 to 1911 or of any order or licence of the Board of Agriculture and Fisheries made or granted thereunder.

Registration &c. of slaughtermen.

99.—(1) From and after the first day of January one thousand nine hundred and fourteen every person who shall act as a slaughterman or carry on the occupation of a slaughterman shall register his name and place of abode in a book to be kept at the office of the Council for the purpose.

(2) A court of summary jurisdiction on complaint by the Council and on being satisfied that any person registered under this section is not a fit and proper person on the ground of ill-health incompetency or character to act as a slaughterman or carry on the occupation of a slaughterman may make an order cancelling or suspending the registration of such person Provided that the Council before making complaint shall give

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to such person not less than seven days' previous notice in writing of their intention so to do.

(3) A court of summary jurisdiction on conviction of any person registered under this section of any offence committed in a slaughter-house or in acting as a slaughterman or carrying on the occupation of a slaughterman may if they think fit in addition to any punishment imposed for such offence make an order cancelling or suspending the registration of such person.

(4) The effect of any order made by a court of summary jurisdiction under this section shall be entered in the book to be kept as aforesaid at the office of the Council.

(5) Every person who after the first day of January one thousand nine hundred and fourteen acts as a slaughterman or carries on the occupation of a slaughterman (A) without having registered his name and place of abode in accordance with this section or (B) after his registration has been cancelled or (C) during any period for which his registration shall have been suspended shall be liable on summary conviction to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day on which he acts as a slaughterman or continues to carry on such occupation after such conviction.

Information to be furnished in case of infectious disease.

100.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Removal of body of person dying of infectious disease.

101. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and in such case it shall not be lawful to

transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

For preventing contact with body of person dying of infectious disease.

102. Any person who being in charge of the body of any person who has died from any dangerous infectious disorder or infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.

Medical examination of inmates of common lodging-houses &c. when infectious disease prevails.

103. Whenever the medical officer shall report in writing to the Council that there is a prevalence of dangerous infectious disease in the district or any adjoining district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the district by persons resorting to common lodging-houses or seamen's lodging-houses the Council may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the district for such period as the Council having regard to the circumstances of the case shall in the resolution determine (that is to say):—

(1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Council may exist or has recently existed in any common lodging-house or seamen's lodging-house in the district medically examine any person found in any common lodging-house or seamen's lodging-house in the district with a view to ascertaining whether such person is suffering or has recently suffered from such

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disease Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence:

(2) A copy of every such resolution shall forthwith be sent by the Council to every keeper of a registered common lodging-house and licensed seamen's lodging-house in the district and to the Local Government Board:

(3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board:

(4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

Power to require names of laundrymen to whom clothes &c. from infected houses are sent.

104. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

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

Power to close Sunday schools to prevent spread of infectious disease.

105.—(1) If the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the district require the closing of any Sunday school or any department thereof or the exclusion of certain children for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any Sunday school wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

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Cleansing of milk vessels.

106. The provisions of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Council under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

Street orderly bins.

107. The Council may provide and maintain orderly bins for the collection and temporary deposit of street refuse in upon or under the streets of such dimensions and in such positions as they may from time to time determine.

Places used for storage &c. of human food not to be used as sleeping-places.

108.—(1) No room shop or other part of a building in which any food is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall be used as a sleeping-place.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building as a sleeping-place in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings but no penalty shall be imposed for an offence against this section if in the opinion of the court the occupation of such room shop or other part of a building in contravention of this section would not have caused risk of infection or of contamination of food.

(3) Any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Defining establishment of new business.

109. For the purposes of section 112 of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established anew but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the consent in writing of the Council but a

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trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Power to compensate persons for ceasing employment to prevent spread of disease.

110. If any person shall at the request of the Council or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

Houses infested with vermin to be cleansed.

111.—(1) If the medical officer has reasonable cause to suppose that any house is infested with vermin he or any inspector of nuisances may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer it appears to the Council that any house is infested with vermin the Council shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Council may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Council in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Council in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Council was reasonable and as to whether the costs and expenses incurred by the Council in doing such work or any part thereof ought to be borne wholly or in part by the person to whom the notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

Cleansing of verminous persons.

112.—(1) The Council may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleaning and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house or whose parent or guardian (where the person is a child) consents to his leaving the house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case on the like certificate may cause any such person who does not consent or whose parent or guardian (where the person is a child) does not consent to be removed therefrom to any such temporary shelter or house accommodation where two justices on the application of the Council and on being satisfied of the necessity of the removal make an order for the removal subject to such conditions (if any) as are imposed by the order The Council shall in every case cause the removal to be effected and the conditions of any order satisfied without charge to the person removed or to the parent or guardian of that person.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) If any person at the request of the Council or under an order of such justices shall cease his employment in order to comply with such order the Council may make compensation to him for any loss he may suffer thereby.

(4) For the purpose of this section the word "house" includes any tent van shed or similar structure used for human

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habitation or any boat lying in any river dock canal or other water within the district and used for the like purpose.

Public notice of provisions of this Part of Act.

113.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the Council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART VII.

FINANCIAL.

Power to borrow.

114.—(1) The Council may independently of any other borrowing power borrow at interest the sum requisite for paying the costs charges and expenses of this Act Any money borrowed under this subsection shall be repaid within five years from the passing of this Act.

(2) The Council may also with the consent of the Local Government Board borrow such further moneys as may be necessary for any of the purposes of this Act Any moneys 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 purpose of paying the costs charges and expenses of this Act 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 upon the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

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As to temporary borrowing.

115.—(1) For the purpose of providing temporarily during any financial year for their current expenses as a sanitary authority (whether under the provisions of public general or local Acts) or as an education authority or for the current expenses of their water undertaking or gas undertaking respectively and after the commencement of such year it shall be lawful for the Council to borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person such sums as they may from time to time resolve not exceeding in the aggregate at any time an amount equal to one-fourth of the total amount of the before-mentioned expenses for the immediately preceding financial year and any amount so borrowed shall form a charge upon the rates or undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Council authorising such borrowing pari passu with any bond or mortgage affecting the same and it shall further be lawful for the Council to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve Provided that—

(A) All sums so borrowed in respect of the current expenses of any financial year shall be repaid out of the revenue of such year and (except in the case of moneys borrowed for the current expenses of the gas undertaking which shall be repaid before or within two months after the expiry of such year) before the expiry of such year:

(B) The clerk shall within three months after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require:

(C) The Local Government Board may make such investigations as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Council have failed to

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comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and thirteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

Application of provisions of Act of 1896.

116. The provisions of the Act of 1896 with any necessary modifications (and subject as regards mortgages granted under the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes" to the provisions of that section) shall extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act namely:—

Section 87.—Mode of raising money:

Section 88.—Certain regulations of Public Health Act as to borrowing not to apply:

Section 89.—Provisions of the Public Health Act as to mortgages to apply:

Section 93.—Protection of lender from inquiry:

Section 94.—Application of money borrowed.

Mode of payment off of money borrowed.

117. 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 these 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 twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Power to use one form of mortgage for all purposes.

118.—(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 Third Schedule to this Act or to the like effect.

(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

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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 Third Schedule to this Act or to the like effect.

(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 the 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.

Power to use sinking fund instead of borrowing.

119.—(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 reborrowing 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.

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Power to reborrow.

120.—(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

(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.

Sinking fund.

121.—(1) If the Council determine to repay by means of a sinking fund any money borrowed by virtue of this Act such sinking 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 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 the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security 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 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

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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 appears 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 accumulations thereon (in the case of an accumulating sinking fund) will probably 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 appears 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 any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the 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 be made 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 moneys 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 the loan in respect of which it is formed within the prescribed period 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 as the Council with the consent of the Local Government Board may determine. A.D. 1913.

Return respecting sinking fund to Local Government Board.

122.—(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 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 Local Government Board out of the High Court.

(2) If it appears 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

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applied any portion of any 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.

Power to invest all sinking funds in statutory securities.

123. 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 moneys 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.

Scheme for fixing equated periods.

124.—(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 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.

Council not to regard trusts.

125. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or any interest thereon not entered in their register.

Power to amend rates to accord with new valuation list.

126. The powers of section 221 of the Public Health Act 1875 shall extend to enable the Council to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

Expenses of execution of Act.

127. 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 or are otherwise provided for) shall be paid out of the district fund or general district rate or the revenue of the water undertaking or of the gas undertaking as the case may be 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 as they deem equitable.

Part VIII.

Miscellaneous.

Provision as to night shelters.

128. The provisions of the Public Health Acts 1875 to 1907 with [reference to common lodging-houses so far as the

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same are in force in the district shall extend and apply to all night homes refuges shelters and buildings (other than union workhouses) used for the temporary shelter or relief of the poor the destitute and the indigent and wherein such persons are allowed to sleep.

Extending power to make bye-laws as to slaughter-houses.

129.—(1) The powers of the Council to make and enforce byelaws with respect to slaughter-houses shall extend to the making and enforcement of byelaws for authorising the Council to fix tolls and charges in respect of the sale of animals in any slaughter-house provided by the Council and for preventing the sale of animals therein except upon payment to the Council of such tolls and charges and for preventing the removal therefrom of any carcase or any part thereof until after inspection by an officer of the Council.

(2) The Council may recover the tolls and charges fixed in pursuance of any byelaws made under this section summarily as a civil debt.

Penalty for crying newspapers on Sunday.

130. Every person who shall on Sunday in any street or public place call or shout or ring any bell or use any other noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to inspect premises used in contravention of Merchant Shipping Acts.

131. The inspector of nuisances or other duly authorised officer of the Council if he has reason to believe that seamen are being lodged in premises which ought to be but are not duly licensed in pursuance of section 214 of the Merchant Shipping Act 1894 may enter into and inspect such premises and if entry to such premises under the provisions of this section is refused by the person having the custody of such premises or any person acting in his behalf any justice may upon the application of the Council or the inspector of nuisances grant a warrant to the inspector of nuisances or such officer as aforesaid to enter such premises for the purposes of this section and any person who obstructs the inspector of nuisances or such officer as aforesaid in the performance of his duty under such warrant and this section shall be liable to a penalty not exceeding five pounds.

Power to grant occasional licences for public vehicles &c.

132. An occasional licence for a hackney carriage or other public vehicle and for the proprietors drivers and conductors of horses ponies mules or asses standing for hire may be granted by

the Council to be in force for such day or days or other period less than a year as may be specified in the licence.

Inspection of public vehicles.

133.—(1) Any person appointed by the Council in writing may examine all hackney carriages and other public vehicles plying for hire and shall see that the laws and byelaws relating to such hackney carriages and public vehicles are duly observed.

(2) If the proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

Fire alarms.

134. The Council may erect or fix street fire alarms in such positions in any street road or public place as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to convert destructor refuse into slabs &c.

135. The Council may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor into slabs or blocks of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs blocks bricks concrete mortar or other materials so produced may be utilised by the Council for making and repairing streets or for any other purposes connected with the work of the Council for which they may be suitable or may be sold by the Council who shall carry the proceeds arising from any sales thereof to the credit of the district fund.

Effect of breach of conditions attached to consent.

136. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

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Apportionment of expenses in case of joint owners.

137. 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.

Determination of compensation.

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

Power to enter premises.

139. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part V. and Part VI. of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupiers refusing execution of Act.

140. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

In executing works in default of owner &c. no liability for damages to be in-

141. Whenever the Council under any enactment or bye-law 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 the Council shall not as between

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themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges and 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.

curred except in case of negligence.

Persons acting in execution of Act not to be personally liable.

142. No matter or thing done or contract entered into by the Council nor any matter or thing done by the clerk or by any member or officer of the Council or any person whomsoever acting under the direction of the Council shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Council.

General provisions as to confirmation &c. of byelaws.

143. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply except where otherwise provided to all byelaws made by the Council under the powers of this Act:

Provided that the Secretary of State shall be the confirming authority for byelaws made under the section of this Act of which the marginal note is "Byelaws as to Whitmore Bay Pleasure Grounds and foreshore" Provided also that no byelaws affecting the foreshore shall come into operation until the consent of the Board of Trade has been obtained.

Recovery of penalties &c.

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

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Laying of informations and complaints.

145. Save as otherwise in this Act specially provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid by any officer of the Council duly authorised in that behalf or by the clerk.

Appeal to quarter sessions.

146. 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 or valuer of the Council or by any conviction or order by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Application of penalties.

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

Saving for indictments &c.

148. 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 consequences 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.

Judges and justices not disqualified by liability to rates.

149. 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.

Recovery of demands in county court.

150. 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.

Authentication and service of notices &c.

151.—(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.

Evidence of appointments &c.

152. Where in any legal proceedings taken by or on behalf 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 of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman of the Council or the clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

Inquiries by Local Government Board.

153.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors 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.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

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Saving for Crown rights.

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

Powers of Act cumulative.

155. All the 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 for the time being possessed by them as owners or lessees of any foreshore or other lands or property or 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 shall 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.

Costs of Act.

156. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the 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. A.D. 1913.

FIRST SCHEDULE.

PART I.

ENACTMENTS SAVED FROM REPEAL.

The Barry and Cadoxton Gas and Water Act 1886.

28. The Company with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus. Power to lay pipes against buildings.

31. The prescribed number of candles shall be fifteen. Quality of gas.

44. For the protection of the guardians of the poor of the Cardiff Union acting as the rural sanitary authority (hereinafter in this section called "the sanitary authority") the following provisions shall have effect (that is to say):— Provisions for the protection of the rural sanitary authority of the Cardiff Union.

. . . . . .

(4) From and after the completion of the purchase the Company shall supply the sanitary authority with such quantity of water as that authority may from time to time by not less than three months' notice in writing require for flushing and sanitary purposes within the limits of this Act without prejudice to the supply for domestic purposes on such terms and conditions as may be agreed upon or as in default of agreement shall be settled by an arbitrator to be on the application of the sanitary authority or the Company appointed by the President for the time being of the Institution of Civil Engineers.

. . . .

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Provisions for the protection of the Wenvoe Castle Estate.

45. For the protection of Wenvoe Castle in the parish of Wenvoe aforesaid and of the buildings and premises belonging or appertaining to or connected with the said castle and of all other lands belonging to the Wenvoe Castle Estate situate within the limits of this Act with the hereditaments and premises now or hereafter to be erected thereon the following provisions shall notwithstanding anything in this Act contained be in force and have full effect (that is to say):—

(A) In the following provisions the word "owners" shall mean the owner or owners for the time being of Wenvoe Castle aforesaid and of the lands now belonging to the Wenvoe Castle Estate;

As to supply of water to Wenvoe Castle.

(B) The Company shall in no way diminish or affect the supply of water to Wenvoe Castle aforesaid but in case o any failure or diminution of the supply of water to the said castle by reason of the works or operations of the Company the Company shall at their own expense at all times supply the same with a sufficient quantity of good water for the use of the occupiers for the time being of the said castle and also for the buildings and premises belonging or appertaining to or connected with the said castle;

As to buildings erected within sight of Wenvoe Castle.

(C) The Company shall not erect any buildings or works within sight of Wenvoe Castle except such as are reasonably necessary for carrying on the operations of the Company and the Company shall erect and use the same so as not to prejudice the said castle as a place of residence and in case of any dispute the same shall be determined by the arbitrator or engineer hereinafter mentioned and in making any determination the said arbitrator or engineer shall have regard to the said castle as a place of residence and to the objects and circumstances of the Company and shall not involve the Company in any additional expense exceeding one hundred pounds;

Ponds and watering places to be made and supplied.

(D) If by reason of the works or operations of the Company the owners or the occupiers of any lands belonging to the Wenvoe Castle Estate shall be deprived of the use of any of their ponds or watering places or waters used for farm agricultural or irrigation purposes the Company shall at their own expense make and maintain all such ponds and watering places as the said owners and occupiers respectively may reasonably require for such purposes and shall at all times keep the same ponds and watering places supplied with a sufficient quantity of good water for such purposes;

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As to the laying of mains and pipes.

(E) The Company shall at their own expense lay their mains and pipes for gas and water where reasonably required by the said owners or occupiers so as to efficiently supply all buildings and premises erected or to be erected by the owners or occupiers within the limits of this Act provided that the aggregate amount payable yearly by the said owners or occupiers for a supply of water or gas as the case may be at rates not exceeding the rates by this Act authorised shall not be less than one-tenth part of the expense of providing and laying down the pipes necessary for such supply and that the said owners or occupiers severally execute an agreement binding themselves to take such supply for three successive years at least;

Arbitration.

(F) Any difference which may at any time arise between the said owners or occupiers and the Company in reference to any matter contained in this section shall on the application of the owners or occupiers or the Company be referred to and determined by an arbitrator to be agreed upon or failing agreement by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers and the costs of the reference and of all matters incidental thereto shall be in the discretion of the arbitrator.

For the protection of the Corporation of Cardiff.

46.—(1) The Company shall not except with the consent of the mayor aldermen and burgesses of the borough of Cardiff (hereinafter in this section called "the corporation") under their common seal supply water for any purpose either directly or indirectly in any parish or place named in clause 6 of the Cardiff Waterworks Act 1860.

(2) The Company and the corporation may from time to time enter into and carry into effect contracts and arrangements for the supply of water in bulk to the Company by the corporation and every such contract or arrangement may be for such period and on such terms (pecuniary or otherwise) and conditions as the Company and the corporation think fit.

For the protection of the Barry Dock and Railways Company.

47. The Company shall for the protection of the Barry Dock and Railways Company (in this section referred to as the railway company) observe the following conditions:—

(1) Any works executed by the Company under the powers of this Act in through over or affecting any part of the dock or railway works bridges approaches or other works land or property of the railway company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and according to plans to be submitted to and approved by him in writing before any such works are commenced and such works shall

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be executed by and in all things at the expense of the Company and if any injury shall arise to any such dock or railway works bridges approaches or other works land or property or interruption to traffic the Company shall make full compensation to the railway company in respect of such injury or interruption;

(2) All works of the Company across or in any way affecting the said dock or railway works bridges approaches or other works land or property shall be maintained and renewed by them and such renewals and repairs shall be effected to the reasonable satisfaction and under the superintendence of such engineer and when the works are commenced they shall be executed and completed with all due dispatch and in case the Company fail to execute such maintenance and renewals the railway company may make and do in and upon their own land all such works and things as the railway company may reasonably think requisite in that behalf and the reasonable amount of such their expenditure shall be repaid to the railway company by the Company and in case of non-payment may be recovered from them with costs in any court of competent jurisdiction;

(3) The Company shall not acquire any of the lands or property of the railway company but shall acquire only an easement in and upon such of the works lands and property of the railway company if any as may be necessary for constructing and maintaining the works of their undertaking and the railway company shall sell and grant to the Company such easement accordingly;

(4) The amount to be paid for the acquisition of such easement if any shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act with respect to the purchase of lands otherwise than by agreement;

(5) The Company shall at all times after the opening of their works if required by the railway company but without prejudice to the supply for domestic purposes supply the vessels frequenting the Barry Dock with water at rates not exceeding the rates for the time being charged for water supplied to vessels using Penarth Dock;

(6) Nothing in this Act contained shall prejudice lessen take away or interfere with the land property rights powers and privileges of the railway company otherwise than is herein expressly provided.

Constant supply and pressure.

48. The water to be supplied by the Company shall be constantly laid on under pressure but the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken.

Company may repair pipes of customer.

58. Where any person supplied with water by the Company after forty-eight hours' notice in writing under the hand of the secretary or other officer of the Company to alter or repair any pipe valve cock cistern or other apparatus in order that the water supplied to him by the Company shall not be wasted fails to alter or repair the same so as to prevent such waste the Company may forthwith alter or repair the same and their expenses in so doing shall be repaid to them by the person so failing as aforesaid and the Company may recover the same as damages and in addition to the penalty (if any) recovered for the offence.

Company's officer may enter buildings.

59. The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water by the Company in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Company to pay interest on money deposited as security for meter &c.

65. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

PART II.

ENACTMENTS REPEALED.

The Barry and Cadoxton Local Board (Gas and Water) Act 1893.

Section 3.—Limits of Act.

Section 9.—Application of Company's Acts to Local Board.

Section 20.—Power to maintain and construct gasworks and deal in residual products &c.

Section 22.—Power to purchase lands by agreement.

Section 26.—Regulations of Company continued.

Section 28.—Notice of discontinuance.

Section 36.—Power to reborrow.

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The Barry Urban District Council Act 1896.

Section 17.—Extension of gas limits.

Section 18.—Extension of water limits.

Section 62.—Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

Section 92.—Power to reborrow.

SECOND SCHEDULE.

GAS LANDS.

Certain lands situate in the parish of Barry in the county of Glamorgan containing by admeasurement five acres one rood and fifteen perches or thereabouts bounded on the north in part by Greenwood Street and in other part by other land belonging to the Council used for the purpose of a depôt and railway sidings on the north-east and south-east by other land belonging to the Council used for the purpose of railway sidings on the north-west by Holton Road and on the south and south-west by other lands belonging to the Council which said lands form part of the lands described in the Schedule to the Barry and Cadoxton Gas and Water Act 1886 and in the First Schedule to the Barry and Cadoxton Local Board (Gas and Water) Act 1893.

THIRD SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Barry Urban District Council Act 1913 and in exercise of all other powers vested in us or enabling us in this behalf We the Barry 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 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 borrowed upon the credit of the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of one thousand nine hundred and until the said sum of pounds with interest thereon at

the rate of per centum per annum for the same shall be fully paid and satisfied (subject as hereinafter provided) And it is hereby declared that the said principal sum shall be repaid [(subject as hereinafter provided) on the day of one thousand nine hundred and] at the office of the treasurer of the Council at Barry in the county of Glamorgan and that in the meantime interest shall be paid half-yearly on the day of and the day of in each year by cheque drawn on the bankers of the Council and sent by post to the mortgagee at [his] address as registered in the books of the Council the first payment of interest to be made on the day of one thousand nine hundred and :

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 or vice-chairman and the clerk of the Council for the time being 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

A.D. 1913.

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] [a certain mortgage number bearing date the day of one thousand nine hundred and and made by the Barry Urban District Council under the Barry Urban District Council Act 1913 and other Acts for securing the sum of pounds and interest thereon at per centum per annum] and all my right estate and interest in and to the money thereby secured and in and to the rates thereby assigned to hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and the transferee for himself his executors administrators and assigns doth hereby agree to accept and take the said mortgage subject to the conditions aforesaid.

Dated this day of one thousand nine hundred and .

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