CHAPTER xxxvii.

An Act to authorise the Urban District Council of Bedwas and Machen to provide and run omnibuses to confer further powers on the Council with respect to the supply of water and for other purposes. A.D. 1917.

[2nd August 1917.]

WHEREAS the district of Bedwas and Machen in the county of Monmouth is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Bedwas and Machen Urban District Council which district and Council are in this Act respectively called "the district" and "the Council":

And whereas it is expedient to authorise the Council to provide and run omnibuses within and beyond the district as in this Act provided:

And whereas it is expedient to empower the Council and the Caerphilly Urban District Council to enter into and carry into effect agreements with reference to the running of omnibuses within their respective districts and to appoint joint committees for the purposes in this Act mentioned:

And whereas the Council have under the Public Health Acts provided a supply of water for the parish of Machen Upper within the district and it is expedient that further powers be conferred upon them with reference to their water undertaking:

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

[*Price* 1*s*.]

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And whereas estimates have been prepared by the Council as follows:—

	£
For the provision and running of omnibuses -	3,000
For the purchase of lands and construction of buildings for the purposes of omnibuses - -	800

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

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 Bedwas and Machen Urban District Council Act 1917.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Omnibuses.

Part III.—Water Supply.

Part IV.—Financial and Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement) so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

Interpretation.

4. In this Act unless the subject or context otherwise requires—

"The district" means the urban district of Bedwas and Machen;

"The Council" means the urban district council of the district;

"The Caerphilly district" means the urban district of Caerphilly;

"The Caerphilly Council" means the urban district council of the Caerphilly district;

"The clerk" means the clerk appointed by the Council in pursuance of the powers of any public Act;

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

"Omnibus" means any stage carriage moved by mechanical power (including in that expression steam electrical and every other motive power) or by animal power;

"The Act of 1914" means the Bedwas and Machen Urban District Council Act 1914.

Words and expressions to which meanings are assigned by the Public Health Acts have the same respective meanings.

PART II.

OMNIBUSES.

Power to provide and run omnibuses.

5.—(1) The Council may provide (but shall not manufacture) omnibuses and may run the same along the following route (viz.):—

The main road from Newport to Caerphilly within the district and with the consent of the Caerphilly Council along the continuation of such road in the Caerphilly district to Tonyfelin Chapel Tonyfelin Road Castle Street Market Street the Twyn and Cardiff Road to Caerphilly Station.

(2) The Council may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment

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running and equipment of such omnibuses but the Council shall not create or permit any nuisance on any such lands.

(3) The Council may make byelaws for regulating the travelling and for the prevention of nuisances in or upon the said omnibuses Provided that any such byelaws shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Council shall perform in respect of the omnibuses provided under this Act all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(6) The Council shall keep the accounts in respect of their omnibus undertaking separate from their other accounts distinguishing therein capital from revenue.

Fares for passengers.

6. The Council may demand and take for the conveyance of passengers travelling upon the omnibuses such reasonable fares and charges as may from time to time be approved by the Board of Trade.

Passengers' luggage.

7. Every passenger travelling upon the omnibuses may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Rates for parcels.

8. The Council may demand and take in respect of parcels conveyed by them on the omnibuses including every expense incidental to such conveyance any rates or charges not exceeding the following (that is to say) :—

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence.

Council not to carry animals and goods other than dogs and small parcels.

9. The Council shall not carry on the omnibuses any goods animals or other things other than passengers' luggage not exceeding the weight in this Act in that behalf mentioned small parcels not exceeding fifty-six pounds in weight and dogs in the charge of passengers.

Charges for dogs.

10. The Council shall not be bound to carry dogs on the omnibuses but they may demand and take in respect of any dog so carried any sum not exceeding the fare payable by the passenger who is in charge of the dog.

Trees overhanging omnibus route.

11.—(1) Where any tree which overhangs any highway along the omnibus route in the district may in any way interfere with the clear and safe passage of the omnibuses and the passengers thereon the Council may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to lop the tree within seven days so as to prevent such interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

Shelters or waiting rooms.

12. The Council may erect and maintain sheds shelters or waiting rooms for the accommodation of passengers and of the Council's servants on the omnibus route provided under this Act and may use for that purpose portions of the public streets or roads Provided that the Council shall not use portions of any public street or road beyond the district for the purposes mentioned in this section except with the consent of the local authority in whose district such street or road is situate and of the authority responsible for the maintenance of such street or

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road Provided also that the Council shall not erect or maintain any such sheds shelters or waiting rooms so as to interfere with or render less convenient the access to or exit from any station or depôt belonging to any railway company or so as to obstruct or reduce the metalled portion or footway of any main road.

Lost property.

13. Any property found in any omnibus of the Council shall forthwith be handed to the conductor of the omnibus or taken to a place to be appointed for the purpose by the Council and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the omnibus undertaking of the Council.

Agreements with Caerphilly Council.

14. The Council and the Caerphilly Council may enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

(*a*) The working running use and management of all or any of the omnibus services provided by the contracting parties under this Act or under the Caerphilly Urban District Council Act 1917 and the use and management of any land and property held by them in connexion with such services:

(*b*) The supply by either of the contracting parties under and during the continuance of any such agreement of omnibuses and conveniences in connexion therewith necessary for the purpose of such agreement and the employment of officers and servants:

(*c*) The interchange accommodation conveyance transmission and delivery of traffic arising from or destined for any such omnibus services:

(*d*) The payment collection and apportionment of the rates charges and other receipts arising from any such omnibus services.

Joint committees.

15.—(1) The Council and the Caerphilly Council may concur in appointing out of their respective bodies a joint committee for the purposes of any agreement entered into under the last preceding section of this Act or any such purposes.

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(2) The Council may delegate to any such joint committee any powers which the Council are by this Act authorised to exercise including the power of running omnibuses and levying fares rates and charges but the Council shall not delegate to any such joint committee any power to borrow money or levy any district rate.

(3) A joint committee appointed under this section shall not hold office beyond the expiration of fourteen days after the next annual meeting of either of the councils who appointed it.

(4) The costs of a joint committee under this section shall be divided between the Council and the Caerphilly Council in such manner as they may agree upon.

As to road maintenance.

16.—(1) In this section the expression "road authority" means the county or district council (other than the Council) by whom any road along which omnibuses are authorised to be run by this Act is repairable and includes the Brecon and Merthyr Tydfil Junction Railway Company.

(2) The Council shall pay to the road authority an annual sum equal to three-eighths of a penny per car mile run by the omnibuses over any such road towards the cost of the maintenance by the road authority of such road All sums of money payable to the road authority under the provisions of this section shall be deemed to be a debt due to the road authority and recoverable from the Council accordingly.

(3) The Council shall keep statements for the purposes of this section showing in proper detail the mileage run by each omnibus on the roads of the road authority and shall furnish copies of such statements annually to the road authority and the Council shall allow any person duly authorised by the road authority in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by the Council relating to the running of all such omnibuses.

(4) In consideration of the payments to be made by the Council to the road authority under this section the road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Council in respect of extraordinary traffic by reason of the user of any such road by the omnibuses of the Council.

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(5) Provided that nothing in the foregoing provisions of this section shall apply to any main road repairable by the Glamorgan County Council Provided also that if and so long as the Council shall run omnibuses along any part of the route by this Act authorised in the Caerphilly district which consists of a main road which shall not be maintained and repaired by the Caerphilly Council in pursuance of provisions in that behalf contained in any Act passed in the present session of Parliament then the Council shall pay to the Glamorgan County Council the amount of the expenditure incurred by that council upon the maintenance and repair of such main road in respect of any period over which the running of such omnibuses has extended less a sum calculated for such period at the rate of two hundred and eighty-eight pounds per mile of road per annum and the amount so payable shall be deemed to be a debt due to the Glamorgan County Council and recoverable from the Council accordingly.

Part III.

Water Supply.

Supply of water by hose pipe to stables.

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

Council not bound to supply several houses by one pipe.

18. 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.

Notice of discontinuance.

19. 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.

Byelaws for preventing waste &c. of water.

20.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size

nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Council do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 shall apply to all byelaws so made.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

Detection of waste.

21.—(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 but the Council shall where necessary provide reasonable access for persons bonâ fide going to or returning from any house or any station or other premises of a railway company in any street so stopped up.

(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.

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Power to supply water fittings.

22.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof:

Provided as follows:—

(*a*) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(*b*) Every sum charged by the Council in respect of provision of such fittings or the repairing fixing or removal thereof shall be clearly stated in every demand note delivered by the Council to the consumer:

(*c*) The total sums expended and received by the Council in connexion with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking of the Council for such year.

Power to sell meters.

23. The Council may sell to any person supplied or about to be supplied by them with water meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

As to communication pipes.

24.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

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

Notice to Council of connecting or disconnecting meters.

25. Before any person connects or disconnects any meter by means of which any 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.

Power to Council to repair communication pipes.

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

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cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Maintenance of common pipe.

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

Water undertaking to be carried on under Public Health Acts.

28. The provisions of this Part of this Act shall apply to the existing water undertaking of the Council within the parish of Machen Upper which shall continue to be carried on by them under the powers of the Public Health Acts relating to water supply.

PART IV.

FINANCIAL AND MISCELLANEOUS.

Power to borrow.

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

Purpose.	Amount.	Period for re-payment.
	£	
(*a*) For and in connexion with the provision and running of omnibuses.	3,000	Six years from the date or dates of borrowing.
(*b*) For the purchase of lands and construction of buildings for the purposes of the omnibuses.	800	Thirty years from the date or dates of borrowing.
(*c*) For payment of the costs charges and expenses of this Act as hereinafter provided.	The sum requisite.	Five years from the passing of this Act.

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

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

As regards moneys borrowed for the purposes (*a*) and (*b*) hereinbefore mentioned the revenue of the omnibus undertaking and the district fund and general district rate;

As regards moneys borrowed for the purpose (*c*) hereinbefore mentioned the district fund and general district rate;

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

The provisions of this subsection shall not limit the powers conferred upon the Council by section 48 (Power to use one form of mortgage for all purposes) of the Act of 1914.

Application of money borrowed.

30. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable.

Application of certain sections of Act of 1914.

31. The following provisions of the Act of 1914 (namely):—

Section 41 (Section 234 of Public Health Act not to apply);
Section 42 (Method of raising money);
Section 43 (Provisions of Public Health Act as to mortgages to apply);
Section 45 (Mode of payment off of money borrowed);
Section 46 (Sinking fund);
Section 50 (Protection of lender from inquiry);
Section 52 (Council not to regard trusts);

shall subject to the provisions of this Act extend and apply mutatis mutandis to and in the case of moneys to be borrowed

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under the provisions of this Act and such sections shall be incorporated in this Act and be read and have effect as if they had reference to money borrowed under the powers of this Act.

Restriction on borrowing.

32. Notwithstanding anything in this Act the Council shall not under the powers of this Act borrow any money (other than money required for the purposes mentioned in the section of this Act of which the marginal note is "Costs of Act") during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Expenses of executing Act.

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

Incorporation of certain sections of Act of 1914.

34. The following sections of the Act of 1914 are incorporated with this Act and shall apply as if the same with the necessary modifications were set out in this Act (namely):—

Section 63 (Application of section 265 of Public Health Act 1875);
Section 64 (Informations by whom to be laid);
Section 65 (Evidence of appointments authority &c.);
Section 68 (Recovery of penalties &c.);
Section 69 (Recovery of demands);
Section 70 (Inquiries by Local Government Board);
Section 72 (Damages and charges to be settled by justices);
Section 73 (Penalties to be paid over to treasurer);
Section 76 (Powers of Act cumulative);
Section 77 (Judges &c. not disqualified);
Section 78 (Saving Crown rights).

Costs of Act.

35. 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. A.D. 1917.

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