ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. xcix.

An Act for enabling the Local Board of the Borough of *Carnarvon* to supply their District with Water. [19th *June* 1865.]

WHEREAS a Local Board for the Borough of *Carnarvon* (herein-after called "the Board") has been constituted under "The Local Government Act, 1858," and such District (herein-after called "the District") is insufficiently supplied with Water: And whereas it is expedient that the Board be authorized to construct Waterworks, and to obtain a Supply of Water from the River *Gwrfai*, and other Streams without the Boundaries of their District, and to supply Water within the Town and Borough of *Carnarvon*, and the Parish of *Llanbeblig*, in the County of *Carnarvon*, and to Vessels in the Harbour of *Carnarvon*, and Railway Companies at or near *Carnarvon*: And whereas it is expedient that the Board be authorized to apply their existing Funds, and to raise additional Funds for the Purposes by this Act authorized: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: And whereas Plans and Sections showing the Lines, Situation, and Levels of the proposed Works, and the Lands required to be taken or used for the same,

and a Book of Reference thereto, have been deposited with the Clerk of the Peace for the County of *Carnarvon*, which Plans, Sections, and Book of Reference are herein-after referred to as "the deposited Plans, Sections, and Book of Reference:" May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

1. This Act may be cited as "The *Carnarvon* Waterworks Act, 1865."

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 93. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863," shall, so far as the Provisions of those Acts are applicable to and are not inconsistent with the Provisions of this Act, be incorporated with this Act; and in construing those Acts in connexion with this Act the Expression "the Undertakers" and "the Promoters of the Undertaking" shall respectively mean the Board.

Interpretation of "Public Health Acts."

3. The Term "the Public Health Acts" in this Act means "The Public Health Act, 1848," and the Acts passed before the Year 1858 amending the same, and "The Local Government Act, 1858," and the Acts subsequently passed amending the same.

Same Meanings as in incorporated Acts.

4. The several Terms to which Meanings are assigned by the Acts incorporated wholly or in part with this Act have in this Act the same respective Meanings.

Interpretation of "Court of competent Jurisdiction."

5. The Expression "Court of competent Jurisdiction," where used in this Act or any Act incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Term "Superior Court" shall include any Court of competent Jurisdiction as defined by this Act.

Incorporation of Public Health Acts.

6. Subject to the express Provisions of this Act, this Act shall be executed by the Board with the Powers and Indemnities, and according to the Provisions, of the Public Health Acts; and those Acts shall, in relation to the Board, and the several Purposes of this Act, be read and have effect as if the Purposes and Provisions of this Act were Purposes and Provisions of the Public Health Acts, and those Acts shall be incorporated with this Act.

7. The

Limits of Act.

7. The Limits of this Act for the Supply of Water by the Board shall include the Town and Borough of *Carnarvon*, and the Parish of *Llanbeblig*, all in the County of *Carnarvon*.

Power to take Lands.

8. For the Purposes which they are by this Act authorized to execute, the Board may enter on, take, and use the Lands described in the deposited Plans and Book of Reference, or any of them, or any Right or Easement in or over them or any of them.

For the Protection of Christopher Holman and David Muckleston Allen.

9. And whereas, according to the said deposited Plans, the Line of Pipes is intended to pass through certain Portions of the Estates of *Christopher Holman* and *David Muckleston Allen:* Therefore it shall not be lawful for the Board to purchase or take any greater Interest in such of those Lands as are required for the Purpose of laying the Pipes or Conduit shown on the said Plans, other than the Right or Easement of laying, relaying, maintaining, enlarging, and repairing such Pipes or Conduit, without the respective Consents in Writing of the said *Christopher Holman* and *David Muckleston Allen*, or other the Owner or Owners for the Time being of those Lands.

Powers for compulsory Purchases limited.

10. The Powers of the Board for the compulsory taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Additional Lands.

11. The Board may from Time to Time, for the Purposes of this Act, take by Agreement, in addition to the Lands which they are by this Act authorized to take by Compulsion, any Quantity of Lands not exceeding in the whole at One Time Half an Acre.

Lands to vest in Board as Body Corporate.

12. All Lands taken by the Board under this Act shall be assured to the Board and their Successors in trust for the Purposes of this Act, and shall be vested in the Board and their Successors as a Body Corporate.

Power to take Grants in perpetuity.

13. The Persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," to convey Lands in consideration of a Rentcharge, may, if they think fit, but subject to the Provisions contained in those Acts with respect to Land, grant to the Board for the Purposes of this Act any Lands or Streams shown on the deposited Plans, or the Right of User thereof, or any Easement, Liberty, Privilege, Power, or Authority in or over the same, which the Board are by this Act authorized to take in perpetuity in consideration of an annual Rentcharge.

14. In

Grants by Persons under Disability to be at best Rent.

14. In any such Grant to be made by any Party under any Disability or Incapacity to sell and convey Lands as defined by "The Lands Clauses Consolidation Act, 1845," the Amount of the Rent-charge or Compensation for any such Grant shall be ascertained and settled in manner provided by "The Lands Clauses Consolidation Acts Amendment Act, 1860," and be subject to all the Provisions with respect to Land granted or conveyed under the Provisions of the last-mentioned Act.

Rents to be First Charge.

15. Every such yearly Rent shall be charged on the Water Rates or Water Rents payable under this Act, or if the Rates be leased, then on the Rent reserved by the Lease, in preference to any Charge whatsoever; and if at any Time any such Rent be not paid within Thirty Days after the same becomes payable, and after Demand thereof in Writing, the Person to whom such Rent is payable may either recover the same from the Board, with Costs of Suit, by Action of Debt in any Court of competent Jurisdiction, or may levy the same by Distress of the Goods and Chattels of the Board.

The Restrictions may be imposed upon the Sale of superfluous Property.

16. Upon any Sale of the Board, under the Provisions of "The Lands Clauses Consolidation Act, 1845," relating to superfluous Lands, of any Lands or Hereditaments purchased by them under the Powers of this Act, the Board may reserve to themselves all or any Part of the Water, or Water Rights and other Easements thereunto belonging, and may sell such Lands and Hereditaments subject to such Reservation, and also subject to such special Conditions, Restrictions, and Provisions with reference to Use of Water, and for preventing the Exercise of noxious Trades or Businesses upon the Premises, and for preventing or regulating the Discharge and Deposit of Manure, Sewage, and other impure Matter and Liquids, as they may think fit.

Provision for Compensation to Owners, &c. of Streams.

17. The Compensation to the Owners of or other Persons interested in any Waters or Streams taken or used for the Purposes of this Act, and to the Owners of or other Persons interested in any Mills or other Works using such Waters or Streams, shall be settled and determined in manner provided by "The Lands Clauses Consolidation Act, 1845," and not under the Provisions of the Seventy-fourth Section of "The Local Government Act, 1858."

Power to make Waterworks according to deposited Plans.

18. Subject to the Provisions and Restrictions in this Act and the incorporated Acts contained, the Board may make and maintain, in and upon the Lands delineated on the deposited Plans and described in the Books of Reference, and in the Lines and according to the Levels shown on the deposited Plans and Sections, the Works shown on those Plans and Sections, with all necessary or proper Embankments,

ments, Drains, Culverts, Filtering Beds, Cisterns, Tanks, Gauges, Engines, Machinery, Buildings, Approaches, and Conveniences connected therewith, all which Works are herein-after referred to as "the Waterworks;" the Board may divert into and impound in their intended Works the Waters of the River *Gwrfai*, and other Waters and Streams shown on the deposited Plans, and within the Limits of Deviation defined therein: Provided that no Pipe or Conduit shall be used for the Abstraction of Water from the said River *Gwrfai* which shall exceed Ten Inches in internal Diameter, and no more than One Pipe or Conduit shall be used for such Abstraction.

Deviations.

19. In constructing the Waterworks the Board may deviate laterally from the Lines thereof laid down on the deposited Plans to the Extent of the Limits of lateral Deviation shown thereon, and may deviate vertically from the Levels thereof shown on the deposited Sections to any Extent not exceeding Three Feet.

Time for Completion of Waterworks.

20. The Waterworks shall be completed within Five Years after the passing of this Act, and on the Expiration of that Time the Powers by this Act given to the Board for the Construction of those Works, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing herein contained shall restrict the Board from extending, enlarging, altering, or removing any of their Mains or other Pipes at any Time and from Time to Time as Occasion may require.

Power to supply Water.

21. Subject to the Provisions of this Act, the Board may supply Water within the Limits of this Act, and may sell and dispose of the Water as they from Time to Time think fit.

Rates at which Water is to be supplied for domestic Purposes.

22. The Board shall, at the Request in Writing of the Owner or Occupier of any Dwelling House or Part of a Dwelling House in any Street within the Limits of this Act in which any Main Pipe of the Board is laid, or of any Person entitled to demand a Supply of Water for domestic Purposes within the Limits of this Act, furnish to that Owner, Occupier, or Person a sufficient Supply of Water for domestic Purposes at Rates not exceeding the yearly Rates hereinafter specified; that is to say,

Where the Dwelling House shall be rated to the Poor Rate at a rateable Value less than Six Pounds, any Sum not exceeding Eight Shillings and Eightpence:

Where the Dwelling House shall be rated to the Poor Rate at a rateable Value of Six Pounds or upwards, a Rate not exceeding One Shilling and Sixpence in the Pound on such Value.

Supply for other than domestic Purposes.

23. The Board shall, on being requested in Writing, furnish to any Person a Supply of Water for other than domestic Purposes within the Limits of this Act, by Meter or otherwise, for such Water Rent or Remuneration, and on such Terms and Conditions, as may be agreed on between him and the Board: Provided that the Charge for such Supply shall not exceed Sixpence *per* One thousand Gallons for any Quantity not less than One hundred and fifty thousand Gallons *per Annum*.

Determination of Agreement.

24. Any such Agreement may be determined by either Party by Three Months Notice in Writing.

Priority of Supply for domestic Purposes.

25. The Board shall not, by virtue of any such Agreement or otherwise, be bound to furnish to any Person a Supply of Water for other than domestic Purposes whenever and as long as the Board are of opinion that such Supply would interfere with the proper Supply for domestic Purposes under this Act.

Liability of Occupier for Water Rent.

26. Except where the Owner of a Dwelling House or Tenement, the annual Value of which does not exceed Ten Pounds, agrees with the Board to pay the Water Rent for the Water Supply thereto, the same shall be paid by and be recoverable from the Occupier thereof.

Exemption from constant Pressure.

27. The Water of the Board need not be constantly laid on under Pressure, or be continuously supplied.

Regulations for preventing Waste of Water.

28. For preventing Waste, Misuse, or undue Consumption or Contamination of the Water, the Board may from Time to Time make such Regulations as they think necessary to be observed by Persons supplied with Water, and may from Time to Time alter or revoke any such Regulations.

Extent of Regulations.

29. By any such Regulations the Board may direct the Use, and prescribe the Size, Nature, Strength, and Materials, and the Mode of Arrangement, Alteration, and Repair of the Pipes, Valves, Cocks, Cisterns, Baths, Soilpans, Waterclosets, and other Apparatus or Receptacles, or any of them, to be used by such Persons respectively for conveying, delivering, and receiving Water, and may interdict any Arrangement and the Use of any Pipes, Valves, Cocks, Cisterns, Baths, Soilpans, Waterclosets, and other Apparatus or Receptacle which, in their Judgment, will be likely to occasion Waste, Misuse, undue Consumption or Contamination of the Water.

Cesser of Supply on Breach of Regulations.

30. The Board shall not be bound, under any Agreement or otherwise, to supply or continue to supply Water to any Person, unless such

such Regulations as are for the Time being in force are duly observed by him.

Repairs, &c. by Board on Failure of Person supplied.

31. In case of the Neglect or Refusal of any such Person to observe such Regulations as are for the Time being in force, or any of them, the Board may, after Twenty-four Hours Notice in Writing, and by or under the Direction of their duly authorized Officer, repair, replace, or alter, or cause to be repaired, replaced, or altered, any Pipe, Valve, Cock, Cistern, Bath, Soilpan, Watercloset, or other Apparatus or Receptacle belonging to or used by any Person supplied by them; and the Expense of every such Repair, Replacement, or Alteration shall be repaid to the Board by the Person on whose Credit the Water is supplied, and may be recovered by them as Damages for the Recovery of which no special Provision is made.

Separate Water Account.

32. The Board shall keep a separate Account of their Receipts, Payments, Credits, and Liabilities under this Act, such Account to be called "the Water Account."

Audit of Accounts.

33. Section Sixty of "The Local Government Act, 1858," (relating to the Audit of Accounts,) shall apply to the Water Account, except that any additional Remuneration payable for Audit thereof respectively shall be charged to that Account.

Water Rate.

34. For the Purposes of this Act the Board may and shall, from Time to Time when and as often as Occasion shall require, make and levy within the District, in addition to the General District Rates, a Rate to be called the Water Rate, and to be made, assessed, levied, and recovered upon and from the same Persons, with the same Powers and Provisions, and in the same Manner, as General District Rates are by "The Local Government Act, 1858," directed to be made, assessed, levied, and recovered: Provided always, that the total Amount of the Water Rates to be made in any One Year shall not exceed One Shilling in the Pound on the full net Value of the Property to be assessed thereto.

Power to Local Board to borrow on Security of Waterworks, &c.

35. The Board, in addition to any other Sums which they may borrow under the Powers of the Public Health Acts, may from Time to Time, for any of the Purposes of this Act, and under the Authority thereof, borrow at Interest, on the Security of the Water Rates and Charges for Water to be supplied under this Act, and on the Security of the General District Rates under the Public Health Acts, such Sums as they think necessary, not exceeding in the whole Fifteen thousand Pounds, and may secure the Repayment of the same, with Interest, by Mortgage accordingly.

36. Pro-

Subsisting Mortgages and Annuities to have Priority.

36. Provided always, That all Mortgages and Annuities charged or secured upon any Estate or Lands vested in or belonging to the Board, and subsisting at the Time of the passing of this Act, shall respectively have Priority over all Mortgages of any such Estate or Lands which may be granted under the Authority of this Act.

Rates and Estimates to includeSums payable thereout under this Act.

37. After any Money shall have been borrowed under the Powers of this Act, the Sums of Money to be raised by the Water Rates and the General District Rates shall together include all Sums required for Payment of any Monies from Time to Time due or accruing due upon or in respect of such Mortgages, and the Sinking Fund to be set apart in accordance with the Provisions of this Act, and Section 57 of the Local Government Act, 1858; and the Estimates of the Money required for the Purposes of such Rates shall respectively include the same Sums.

Waterworks Account to be primarily liable.

38. As between the Waterworks Account and the General District Rate, the Water Rates and Charges for Water under this Act shall be primarily liable to be applied in satisfaction of all Monies borrowed under the Powers of this Act, and the Interest thereon, and in setting apart such Sinking Fund as aforesaid; and all Sums paid out of the General District Rate under the Powers or for the Purposes of this Act shall from Time to Time be reimbursed and repaid out of any Balance from Time to Time standing to the Credit of the Waterworks Account after Application to the Objects to which Monies carried to that Account are, under the Provisions of this Act, to be firstly, secondly, thirdly, fourthly, and fifthly applied; but nothing herein contained shall prejudice the Security of any Person or Corporation lending Money to the Board under the Powers of this Act, and every such Person and Corporation may enforce all his or their Rights and Remedies as if this present Section had not been inserted in this Act.

Rates not to be reduced under certain Circumstances.

39. Provided always, That if and so long as any Money shall be due from the Waterworks Account in respect of Monies paid out of the General District Rates, the Board shall levy the full Amount of the Rates for Supply of Water by this Act authorized.

Power to reborrow.

40. The Board may from Time to Time reborrow any Amount from Time to Time paid off by them, unless it be paid off by means of the Sinking Fund to be set apart out of the Water Rates under this Act, in which Case, and to the Extent of the Amount so paid off, their Powers of borrowing and reborrowing shall cease.

Form of Mortgage, &c.

41. Any Mortgage under this Act, and any Transfer of any such Mortgage, may be made according to the respective Forms of Mort-

gage

gage and Transfer authorized by "The Public Health Act, 1848," with such Modifications thereof as may render them applicable to the Purposes of this Act; and the Clauses and Provisions of that Act relative to Mortgages and the Rights of Mortgagees, to borrowing Money to pay off existing Mortgages, to Registers and Registration of Mortgages and Transfers, to Payment of Interest, to the Appropriation, Investment, and Application of the Sinking Fund, and to the Appointment of a Receiver, shall (except in so far as those Clauses and Provisions limit the Purposes for which Money is to be borrowed, and the Amount to be borrowed, or are otherwise inconsistent with this Act,) extend and apply to Mortgages under this Act, and to Monies borrowed and Mortgages and Transfers made under the Powers of this Act: Provided always, that the Balance (if any) of the Sinking Fund to be set apart out of the Water Rates under this Act which may remain after the Discharge of all Mortgages to which that Fund is applicable shall be applied, first, to the Repayment of any Sums advanced for the Purposes of this Act out of the General District Rates, and not previously repaid, and, secondly, to the Restoration and Improvement of the Works by this Act authorized.

Restrictions as to borrowing Power.

42. The Board may borrow the Sum of Five thousand Pounds, Part of the said Sum of Fifteen thousand Pounds which the Board is by this Act authorized to borrow, in addition to any other Sums which the Board is authorized to borrow under the Powers of the Public Health Acts; but the Sum of Ten thousand Pounds, the Remainder of such Fifteen thousand Pounds, or any Portion of the said Sum of Ten thousand Pounds borrowed by the Board under the Authority of this Act, shall be reckoned as Part of the Sums which the Board are authorized to borrow under the Powers of the Public Health Acts.

Application of Receipts of Board.

43. All Monies which shall be received by the Board under the Powers of this Act (other than Sums raised by the Board as Part of the General District Rates, and Sums raised by the Board by Mortgage) shall be applied as follows; (that is to say,)

First, in paying the Costs, Charges, and Expenses attending or incident to the applying for and passing of this Act:

Secondly, in paying the Interest from Time to Time due upon all Monies borrowed by the Board under the Powers of this Act, and for the Time being remaining due:

Thirdly, in setting apart and appropriating the Sinking Fund for Payment of Mortgages:

Fourthly, in constructing the Works by this Act authorized:

Fifthly, in maintaining and extending the Waterworks from Time to Time as Occasion shall require, and carrying this Act into execution:

Sixthly, in repaying any Monies advanced out of the General District Rates under the Powers or for the Purposes of this Act, and not previously repaid:

Seventhly, in paying off all Principal Monies borrowed by the Board under the Powers of this Act or otherwise, and for the Time being remaining due:

And, lastly, in the Reduction of the Rates and Charges by this Act authorized to be levied and made:

And all Sums raised under this Act by the Board as Part of the General District Rates shall be applied to all or any of the Purposes secondly, thirdly, and seventhly herein-before specified; and all Sums raised under this Act by the Board by Mortgage shall or may be applied to all or any of the Purposes firstly, fourthly, fifthly, and seventhly herein-before specified, other than and except the Maintenance of the Waterworks.

Contracts for Supply of Water, &c. not to disqualify Members of Local Board.

44. No Person shall be disqualified for being, continuing, or acting as a Member of the Board by reason of his being concerned in any Contract entered into by the Board for a Supply of Water under this Act, or for the Sale of any Land for the Purposes of this Act, or of his being a Proprietor of or interested in any Newspaper in which Advertisements are inserted for the Board, unless he shall discuss, act, or vote as a Member of the Board on any Question touching any Matter in which he is directly or indirectly concerned, in which event, and immediately thereupon, he shall become disqualified and cease to be a Member of the Board.

Liability to Rates not to disqualify Justices.

45. No Person shall be incapable of acting as a Justice in the Execution in any respect of this Act by reason of his being interested in any Contract under this Act for a Supply of Water, or being liable under this Act to the Payment of any Rate or other Money.

Several Names in One Warrant.

46. Any Number of Names or Sums may be included in any Information, Summons, Warrant of Distress, or Notice obtained or given by the Board for any of the Purposes of this Act, and may be stated either in the Body of the Information, Summons, Warrant, or Notice, or in a Schedule thereto.

Costs of Distress.

47. Any Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Water Rate or Sum be paid by the Person liable to pay such Water Rate or Sum; and such Costs shall be ascertained by the Justice or Justices issuing such Warrant, and shall be included in the Warrant of Distress for the Recovery of such Water Rate or Sum.

Recovery of Sums under Fifty Pounds.

48. Nothing contained in this Act, or any Act incorporated with or referred to in this Act, shall prevent the Board from recovering any Sum

Sum of Money, not exceeding Fifty Pounds, which shall be due to them for Water Rates or Rents, Damages, Costs, or Expenses, in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds.

Penalties not cumulative.

49. Penalties imposed by several Acts for the same Offence shall not be cumulative, and for this Purpose this Act, and the Acts incorporated with this Act, shall be deemed several Acts.

Application of Penalties.

50. The Justices by whom any Penalty or Forfeiture shall be imposed under this Act shall, where the same is payable by any Person or Corporation other than the Board, and the Application thereof is not otherwise provided for, award the same to the Board.

Forms in Public Health Act may be used

51. The Forms given in Schedule D. and Schedule E. to "The Public Health Act, 1848," may be used for the Purposes of this Act, with such Variations as may be necessary for referring to this Act, and to render them applicable to those Purposes.

Saving Rights of the Crown.

52. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the Company to take, use, or in any manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.