CHAPTER cli.

An Act to authorise the Urban District Council of Ebbw Vale to construct additional waterworks and for other purposes. [1st August 1904.] A.D. 1904.

WHEREAS the district of Ebbw Vale 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 Ebbw Vale Urban District Council (in this Act called "the Council"):

And whereas by an Order of the Local Government Board confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1875 38 and 39 Vict. c. clxxvi. (in this Act respectively called "the Order of 1875" and "the Act of 1875") the Council's predecessors the Ebbw Vale Local Board were authorised to purchase and take the lands water rights of taking and conveying water and premises described in the Schedule to the Order of 1875 (subject to the provisions as to compensation water contained in the Act of 1875) for the purpose of constructing a reservoir and waterworks and supplying water within their district and to the places mentioned in the Act of 1875 including part of the rural sanitary district of the Crickhowell Union and part of the district of the Tredegar Local Board:

And whereas by an Order of the Local Government Board confirmed by the Local Government Board's Provisional Orders Confirmation (Caistor Union &c.) Act 1877 and by a further Order of the Local Government Board confirmed by the Local Government Board's Provisional Orders Confirmation (Abergavenny Union &c.) Act 1878 the district of the Ebbw Vale Local Board was extended by the inclusion of parts of the rural sanitary districts of the Bedwellty and Crickhowell Unions in those Orders described:

A.D. 1904.

And whereas by an Order of the Local Government Board confirmed by the Local Government Board's Provisional Orders Confirmation (Abergavenny &c.) Act 1880 the Ebbw Vale Local Board were authorised to carry out works for the distribution of water in and to supply water directly to the inhabitants of the part of the district of the Tredegar Local Board to which the Ebbw Vale Local Board had by the Act of 1875 been authorised to supply water and a place which in 1875 formed part of the rural sanitary district of the Crickhowell Union but which had in 1878 been included in the district of the Tredegar Local Board:

And whereas the Ebbw Vale Local Board under the powers of the Act and Order of 1875 and the Public Health Acts constructed a reservoir known as the Llangynidr Reservoir and the Council are supplying water therefrom within the district and the other places wherein they are authorised to supply water and are also supplying water in bulk to the Nantyglo and Blaina Urban District Council under an agreement dated the sixteenth day of January one thousand eight hundred and ninety and made between the local board for the district of Ebbw Vale of the one part and the local board for the district of Nantyglo and Blaina of the other part:

And whereas the supply of water from the waterworks of the Council is inadequate to meet the existing and growing demands of the inhabitants of the district and of the districts in or to which the Council are authorised to supply water:

And whereas it is expedient that the Council should be empowered to construct the additional waterworks by this Act authorised and to acquire lands for the protection of their waterworks and that further provision should be made as in this Act contained in regard to their water undertaking:

And whereas it is expedient that the Council should be enabled to raise moneys for the purposes of this Act:

And whereas plans and sections showing the lines and levels of the proposed waterworks and road and the lands to be taken for the purposes of this Act with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands respectively have been duly deposited with the clerks of the peace for the counties of Monmouth and Brecon which plans sections and book of reference are hereinafter referred to as "the deposited plans sections and book of reference":

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

And whereas estimates have been prepared by the Council for the purchase of lands and for the execution of the works authorised by this Act and such estimates are as follows:—

For the purchase of lands and for the construction of the waterworks by this Act authorised the sum of seventy-five thousand pounds;

For the extension and improvement of the waterworks undertaking the sum of forty thousand pounds:

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

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas an absolute majority of the whole number of the Council at a meeting held on the third day of December one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the South Wales Gazette being a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the said South Wales Gazette and has received the approval of the Local Government Board:

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

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed:

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):—

1. This Act may be cited as the Ebbw Vale Water Act 1904. Short title.

A.D. 1904.

Incorporation of general enactments.

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

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) :

The Waterworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 of that Act with respect to accounts and except also the words in section 44 "with "the consent in writing of the owner or reputed owner "of any such house or of the agent of such owner" and the Waterworks Clauses Act 1863 :

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

Interpretation.

3. Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in this Act or the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" and "the company" mean the Council :

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

"The railway" means the reservoir the road or the works immediately connected therewith by this Act authorised ;

"The centre of the railway" means with respect to the road the centre of the road and with respect to the reservoir the boundaries thereof :

In this Act unless the subject or context otherwise requires—

"The district" means the urban district of Ebbw Vale in the county of Monmouth ;

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

"The clerk" means the clerk of the Council;

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

"The water undertaking" means the water undertaking of the Council;

"Water revenue" means and includes all moneys received by the Council for or in relation to the water undertaking other than borrowed moneys and other moneys which ought to be carried to capital account;

"Drainage area" means any area or areas within which the waters which the Council are authorised to impound or take arise and flow;

"The Act of 1875" means the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1875;

"The Order of 1875" means the Order relating to Ebbw Vale confirmed by the Act of 1875;

"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 of any local authority as defined by section 34 of the Local Loans Act 1875 but does not include securities of the Council or annuities rentcharges or securities payable to bearer.

Power to acquire lands.

4. Subject to the provisions and for the purposes of this Act the Council may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Water limits.

5. The limits of the Council for the supply of water (in this Act referred to as "the water limits") shall be the district and the parishes and places within or to which the Council are empowered to supply water by the Act of 1875 and the other recited Orders and Acts.

Power to construct new works.

6. Subject to the provisions of this Act the Council may make construct lay down and maintain in the situation and lines and according to the levels shown on the deposited plans and

A.D. 1904.

sections relating thereto and in and upon the lands described upon such plans the several works shown on the said plans together with all proper embankments bridges roads approaches ways wells tanks basins gauges filter beds dams sluices bye-washes waste weirs outlets outfalls discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes standpipes junctions valves telegraphs telephones and other means of electric communication engines pumping machinery constructions apparatus buildings houses works and conveniences connected with or ancillary to the said works or any of them or which the Council may consider necessary for inspecting maintaining cleansing repairing conducting managing and using the same The works shown on the deposited plans and sections comprise the following principal works (that is to say) :—

Work No. 1 A reservoir to be situate partly in the parishes of Rassa and Beaufort in the urban district of Ebbw Vale and county of Monmouth and partly in the parishes of Llangattwg and Llangynidr in the rural district of Crickhowell and county of Brecknock to be formed by means of a dam across the stream known as the River Ebbw in the valley known as Cwm Carno and Cwm Carn Eilw such dam commencing at a point 7 chains or thereabouts measured in a south-westerly direction from the south-east corner of the dwelling-house known as Carno shown on the $\frac{1}{2500}$ Ordnance map of Beaufort (2nd edition 1901) Monmouthshire sheet xi. 2 Brecknockshire sheet xlvii. 2 and $4\frac{3}{4}$ chains or thereabouts measured in a westerly direction from the centre of the River Ebbw and terminating at a point $6\frac{1}{4}$ chains or thereabouts measured in a south-easterly direction from the aforesaid dwelling-house and 4 chains measured in an easterly direction from the centre of the River Ebbw such reservoir extending up the said Cwm Carno and Cwm Carn Eilw Valley in a north-westerly direction to a point in the River Ebbw $30\frac{1}{2}$ chains or thereabouts from the aforesaid south-east corner of the Carno dwelling-house :

Work No. 2 A road diversion situate in the parish of Rassa in the urban district of Ebbw Vale and county of Monmouth and in the parishes of Llangattwg and Llangynidr in the rural district of Crickhowell commencing by a junction with the existing road in the Cwm Carn Valley at a point 34 chains or thereabouts measured in a north-westerly direction from the aforesaid south-easterly corner

of the dwelling-house known as Carno and terminating at a point in the said road in the same valley 23 chains or thereabouts measured in a southerly direction from the aforesaid south-easterly corner of the dwelling-house known as Carno:

Provided that no telegraph telephone or other means of electric communication constructed under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and that any electric machinery apparatus works and conveniences shall be so constructed worked and used as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

Power to deviate in construction of works.

7. Subject to the provisions of this Act the Council may in the construction of the works by this Act authorised deviate from the lines or position thereof respectively as shown on the deposited plans relating thereto to any extent within the limits of deviation defined on those plans the Council may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards Provided that no such deviation upwards shall cause any part of any pipe to be raised above the surface of any road or (except for the purpose of crossing any stream or railway) ground unless shown upon the deposited sections as intended to be placed above the surface of the ground or to a greater extent than is shown Provided also that if it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of the embankment as shown on the deposited plans the Council may within the limits of deviation thereof marked on the deposited plans alter the same accordingly and may deviate vertically from the levels of such embankment as shown with reference to the datum line of such sections to any extent not exceeding twenty feet but the Council shall not construct the embankment of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment and three feet in addition.

Power to take waters.

8. Subject to the provisions of this Act the Council may take collect divert impound and use for the purposes of the water undertaking and for all or any other purposes of this Act all such brooks streams springs and waters as can or may

A.D. 1904.

be intercepted or taken by the works by this Act authorised or which may be found on in or under any of the lands in respect of which the Council have or may acquire easements or rights of taking water and especially the waters of the River Ebbw now partially impounded by the existing reservoir at and above the point at which the embankment of the reservoir Work No. 1 crosses the river:

Provided that the Council shall not collect impound or use any of the waters impounded by and in the Blaen-y-cwm Reservoir in the parish of Beaufort and by and in the ponds connected therewith or any of the waters of the watershed of such reservoir and ponds.

As to compensation water.

9.—(1) Before the Council shall be entitled to appropriate take or use for the purposes of supply any water intercepted by the reservoir by this Act authorised they shall commence to discharge and (subject to the provisions of this Act) thenceforth shall for ever discharge in a regular uniform and continuous flow throughout the twenty-four hours of every day out of such reservoir into the bed of the River Ebbw within two hundred yards of the outlet of such reservoir not less than two hundred and eight thousand one hundred and five gallons of water per day.

(2) For the purpose of first filling the reservoir by this Act authorised the Council shall be entitled whenever an amount of water in excess of the compensation water above provided for is passing down the River Ebbw at a point immediately below the embankment of the reservoir by this Act authorised to collect and impound waters from the drainage area of the reservoir by this Act authorised to an amount not exceeding such excess.

(3) For the purpose of measuring the quantity of water to be so discharged or delivered into the River Ebbw the Council shall erect and maintain at or near the point where the compensation water is discharged under this section a proper and suitable measuring gauge over or through which the said compensation water shall flow and the same shall be open to the inspection and examination of all persons interested therein.

(4) In case of any neglect on the part of the Council to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Council shall for every day on which such neglect occurs forfeit and pay to each of the persons interested the sum of five pounds and shall in addition

make compensation for any loss damage or injury sustained by such persons or any of them.

(5) If any difference arises between the Council and any person so interested with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the Board of Trade.

(6) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the River Ebbw which the Council can divert collect impound or appropriate by means of the works by this Act authorised except in respect of any lands situate between the foot of the said embankment and the said point of discharge of water into the river.

(7) Nothing in this section shall alter the rights of any parties with respect to the existing reservoir and drainage area.

Amendment of sect. 2 of 38 & 39 Vict. c. clxxvi.

10. The point of discharge of the compensation water mentioned in section 2 of the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1875 shall as from the date when the Council first collect or impound any water of the River Ebbw under the powers of this Act be below the reservoir authorised by this Act Provided that such compensation water shall not be taken into account in measuring (1) for the purposes of the last preceding section of this Act the compensation water to be discharged into the River Ebbw in accordance with the provisions of this Act or (2) for the purposes of subsection (2) of that section the amount of water passing down the River Ebbw immediately below the embankment of the reservoir by this Act authorised.

Period for compulsory purchase of lands.

11. The powers of the Council for the compulsory purchase of lands or easements under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Limiting quantity of commonable land to be taken.

12. The quantity of land which may be taken by the Council from the common or commonable land known as Llangattwg Common in the parish of Beaufort for the purposes of the reservoir and road diversion by this Act authorised shall not exceed nine acres.

Persons under disability may

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the

A.D. 1904.

grant easements &c.

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 take additional lands.

14. The Council may for the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres other than the lands situate in the parish of Beaufort forming the sites or portions of sites of the Blaen-y-cwm Reservoir and the ponds below and in connection with such reservoir in addition to the lands which they are authorised by this Act to take by compulsion but the Council shall not create or permit the creation of any nuisance on any such lands and shall not erect or permit the erection or user on any such lands of any buildings other than houses or buildings required for or used in connection with the water undertaking.

Consideration for such acquisition.

15. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any such exchange the Council may give or take any money for equality of exchange.

Power to retain sell &c. lands.

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

Application of moneys from sale &c. of land.

17. The Council shall apply all moneys received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised to be acquired or by way of fine

or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council Provided that such proceeds when used to pay off the borrowed moneys shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Power to agree as to drainage of lands &c.

18. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and works by this Act authorised with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Council flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Power to hold lands for protection of waterworks.

19. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

New waterworks to form part of water undertaking of Council.

20. The waterworks by this Act authorised to be made by the Council shall form part of the water undertaking of the Council and the Council may use the water obtained by means thereof for the purposes of supplying water under the Act of 1875 and this Act and any other Acts or Orders authorising them to supply water.

Provisions as to fouling of water.

21. For the prevention of the pollution of any waters over which the Council have any powers of user or of any watercourse through which any water may for the time being flow into any such waters the Council may with the consent of the county

A.D. 1904.

council in whose county and of the district council in whose district such pollution occurs enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Acts with respect to any such waters and watercourses or in respect of any nuisance which may exist in proximity thereto and the Council with such consent as aforesaid shall have and may if they think fit from time to time exercise such or the like powers as may for the time being be exercised by such county council or district council as the case may be under any enactment for the prevention of the pollution of any such water or watercourse or for the prevention or abatement of any such nuisance and the provisions of such enactment shall for the purpose aforesaid extend and apply mutatis mutandis to the Council Provided that if the county council in whose county and the district council in whose district the pollution occurs or is likely to occur refuse or neglect for the space of one month after being requested by the Council by notice in writing under the hand of their clerk either to enforce the provisions of the said Acts or to consent to the enforcement thereof by the Council the Council may appeal to the Local Government Board who may give to them such consent and thereupon the Council may proceed to enforce the provisions of the said Acts.

Any expenses incurred by the Local Government Board in relation to any inquiry under 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 shall be paid by and be recoverable from the Council or the county council or the district council or partly from the one and partly from the other or either of them as the Local Government Board may determine.

Application of provisions of Public Health Acts as to waterworks.

22.—(1) The Council may for the purposes of their water undertaking construct lay down erect and maintain such conduits mains pipes culverts sluices wells tanks cisterns engines machinery buildings works and conveniences as they may from time to time deem necessary.

(2) The Council shall in carrying out the provisions of subsection (1) of this section have the powers of a local authority under section 54 of the Public Health Act 1875 in respect to the carrying of water mains within and without their district and for the purposes of that section all parishes and places within the water limits shall be deemed to be included in the district of the Council.

(3) In the exercise of the powers of this section the Council shall be subject to the provisions as far as they are applicable of the Public Health Acts and the Waterworks Clauses Act 1847 in the same manner and to the same extent as if such powers were conferred by those Acts.

Period for completion of works.

23. If the works by this Act authorised are not completed within seven years from the passing of this Act the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided always that subject to the restrictions and provisions of this Act the Council may at any time after the expiration of the said period lay down additional lines of pipes and alter enlarge extend and renew their mains pipes and other works as they may think expedient to provide for the requirements of their water supply.

Rates for supply of water for domestic purposes.

24. The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act 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 does not exceed five pounds the sum of eight shillings and eightpence ;

Where such rateable value exceeds five pounds and does not exceed ten pounds the sum of thirteen shillings ;

Where such rateable value exceeds ten pounds and does not exceed thirty pounds at the rate of seven pounds ten shillings per centum per annum ;

Where such rateable value exceeds thirty pounds at the rate of five pounds per centum per annum ;

Provided that the Council shall in no case be entitled 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 of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another division of the said scale 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

A.D. 1904.

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.

In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act 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 seven shillings and sixpence 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.

Rates payable by owners of small houses.

25. 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.

Supply to houses partly used for trade &c.

26.—(1) 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.

(2) Where the Council refuse to supply with water any building referred to in this section otherwise than by measure they shall on the application of the occupier of such building supply the same with sufficient water for domestic purposes at a rate not exceeding one shilling for every thousand gallons and the moneys payable to the Council under this section shall be recoverable in the same manner as rates due to the Council for water.

Council not bound to supply several houses by one pipe.

27. 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.

28. 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.

Byelaws for preventing waste &c. of water.

29.—(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 connection disconnection 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 are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(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.

Supply of water for other than domestic purposes and by measure.

30. 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 always 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 Provided also that the price to be charged for a supply by measure shall not exceed one shilling per thousand gallons.

Power to sell or let meters &c.

31. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

A.D. 1904.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Council to let for hire any water fittings to any person supplied by them with water.

Notice to Council of connecting or disconnecting meters.

32. 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 due 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.

33. 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 fine not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained:

And 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 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 ensuring 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 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 supply materials.

34. 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 apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all 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.

Power to lay pipes in streets not dedicated to public use.

35. The Council may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

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 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 district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits.

Power to Council to borrow.

37. The Council may from time to time independently of any other borrowing power borrow at interest on the following securities such sums as shall be requisite for the following purposes (that is to say) :—

(A) For paying the costs of this Act as hereinafter defined on the security primarily of the revenue of the waterworks undertaking of the Council and if they think fit in addition on the security of the district fund and general district rate the sum necessary for the purpose ;

A.D. 1904.

(B) For the purchase of lands and wayleaves for and for the construction of the waterworks by this Act authorised on the security primarily of the revenue of the waterworks undertaking of the Council and if they think fit in addition on the security of the district fund and general district rate the sum of seventy-five thousand pounds;

(C) For the extension and improvement of the waterworks undertaking on the security primarily of the revenue of that undertaking and if they think fit in addition on the security of the district fund and general district rate the sum of forty thousand pounds;

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or for any of the purposes of their waterworks undertaking:

And in calculating the sums the Council may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned.

The powers of the Council as to borrowing and reborrowing under and for the purposes of this Act shall not be restricted by any of the provisions of the Public Health Acts.

Provisions as to mortgages.

38. The following sections of the Public Health Act 1875 (that is to say):—

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

shall extend and apply to and in relation to all mortgages made under the powers of this Act.

Periods for payment off of money borrowed.

39. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to Council to borrow" within five years from the passing of this Act:

As to moneys borrowed for the purposes (B) mentioned in the said section within sixty years from the date or dates of borrowing the same:

As to moneys borrowed for the purposes (c) mentioned in the said section within fifty years from the date or dates of borrowing the same:

As to moneys borrowed with the sanction of the Local Government Board within such period as that Board may sanction.

Mode of payment off of money borrowed.

40. The Council shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund Provided that it shall not be obligatory to commence such repayments by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund in respect of moneys borrowed under paragraph (B) of the section of this Act of which the marginal note is "Power to Council to borrow" until after the expiration of five years from the passing of this Act.

Sinking fund.

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

(A) By payment to the fund throughout the prescribed periods 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 periods 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 statutory securities the Council being at liberty from time to time to vary and transpose such investments.

A.D. 1904.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the funds may be applied by the Council towards the equal annunal 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 periods 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 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 periods 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 periods 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 periods the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government 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.

Power to reborrow.

42. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed periods and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be affected by reason of such reborrowing.

Protection of lender from inquiry.

43. Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Council not to regard trusts.

44. The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which

A.D. 1904.

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 or books of the Council shall from time to time 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 incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Return respecting sinking fund to Local Government Board.

45.—(1) The clerk shall within twenty-one 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 pursuance of the provisions of this Act or in respect of any money raised thereunder 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 this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have 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.

Inquiries by Local Government Board.

46.—(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) All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that Board may determine for the service of any inspector) in relation to the duties imposed on that Board under this Act shall save as by this Act otherwise provided be paid by the Council.

Application of water revenue.

47. The Council shall apply all money received by them on account of water revenue in manner and in the order following (that is to say):—

Firstly In payment of the working and establishment expenses and cost of maintenance of the undertaking;

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of the undertaking;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking;

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable

A.D. 1904.

and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum :

And the Council shall carry to the district fund so much of any balance remaining in any year of the water revenue (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith.

Provision in case of deficiency of water revenue.

48. If in any year the amount of the water revenue actual or estimated shall be insufficient for the payment of the charges thereon the deficiency shall be made good by an increase of the general district rate made within one year after each such deficiency has been ascertained or estimated and the Council in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the district shall include therein such sum (if any) as in their judgment is necessary to be provided in aid of any deficiency from time to time arising or expected to arise as aforesaid in the water revenue.

Application of money borrowed.

49. All money borrowed by the Council under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Audit of accounts.

50. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

General provisions as to byelaws.

51. All the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so

much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws made by the Council under the powers of this Act.

Authentication and service of notices &c.

52. In the case of any notice or demand under this Act requiring authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act 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 always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

As to appeal.

53. Any person deeming himself aggrieved by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Council may in like manner appeal.

Recovery of penalties.

54. 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.

Damages and charges to be settled by justices.

55. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Penalties to be paid over to treasurer.

56. 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 subject to the provisions of the Police Act 1890 shall be carried by him to the credit of the district fund or to such other fund as the Council direct.

Judges &c. not disqualified.

57. 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.

A.D. 1904.

Expenses of Act.

58. 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 obtaining of the resolution of owners and ratepayers aforesaid 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 moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of any of their rates or funds and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

Printed by Eyre and Spottiswoode,
for
T. Digby Pigott, Esq., C.B., the King's Printer of Acts of Parliament

And to be purchased, either directly or through any Bookseller, from
Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C. or
Oliver and Boyd, Edinburgh; or
E. Ponsonby, 116, Grafton Street, Dublin.