CHAPTER v.

An Act to authorise the Local Board of Health for the district of the borough of Llanelly to make additional waterworks and for other purposes. [11th May 1891.] A.D. 1891.

WHEREAS the district of the borough of Llanelly in the county of Carmarthen is governed for local and sanitary purposes by the Local Board of Health for that district (in this Act referred to as "the Local Board"):

And whereas the Local Board are the owners of the waterworks which supply their district with water:

And whereas it is expedient for the purpose of enabling the Local Board to supply water more effectually to their district that the Local Board should be authorised and empowered to make and construct the reservoir and works herein-after described:

And whereas plans of the works authorised by this Act and of the lands which the Local Board may acquire under this Act and sections of the said works and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Carmarthen which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas an estimate has been prepared by the Local Board for the purchase of lands for and for the execution of the works by this Act authorised and such estimate amounts to the sum of seventy thousand pounds:

And whereas the works included in such estimate are permanent works within the meaning of section 234 of the Public Health Act 1875:

A.D. 1891.

And whereas it is expedient that the Local Board should be authorised to raise moneys for the purposes herein-before mentioned in manner by this Act provided:

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

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the ninth day of December one thousand eight hundred and ninety after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the "Llanelly and County Guardian" a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate water rent water rates and charges for water supplied or to be supplied by the Local Board:

And whereas that resolution was published twice in the said newspaper 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 members of the Local Board at a further special meeting held in pursuance of a similar notice on the second day of February one thousand eight hundred and ninety-one being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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 for all purposes as the Llanelly (Local Board) Waterworks Act 1891 and the Llanelly (Local Board) Waterwork Act 1865 and this Act may be cited for all purposes as the Llanelly (Local Board) Waterworks Acts 1865 and 1891.

Provisions of certain general Acts incorporated.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the

provisions of this Act) are hereby incorporated with this Act namely :— A.D. 1891.

The Lands Clauses Acts ;

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) ;

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 by this Act authorised.

Amendment of Waterworks Clauses Act 1847.

3. The Waterworks Clauses Act 1847 shall for the purposes of this Act and of the Llanelly (Local Board) Waterwork Act 1865 be read and have effect as if the words " with the consent in writing " of the owner or reputed owner of any such house or of the agent " of such owner " were omitted from section 44 of that Act.

Interpretation of terms.

4. The several words and expressions to which by the Public Health Act or the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in this Act and in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

" The undertakers " or " the Company " means the Local Board ;

" The railway " means the reservoir by this Act authorised to be constructed ;

" Centre of the railway " means with respect to the reservoir by this Act authorised to be constructed the boundary of such reservoir ;

" The district " means the Local Government district of the borough of Llanelly ;

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

" The Public Health Acts " means the Public Health Act 1875 the Public Health (Water) Act 1878 and any Act amending the same ;

And the expression " superior courts " or " court of competent jurisdiction " or any other like expression in this Act or in the Acts incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used

A.D. 1891.

were a simple contract debt and not a debt or demand created by statute.

Act to be executed by Local Board.

5. This Act shall be carried into execution by the Local Board with the powers and indemnities and according to the provisions of the Public Health Acts.

Power to make waterworks.

6. Subject to the provisions of this Act the Local Board may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks and other works following (that is to say):—

A storage and service reservoir situate wholly in the parish of Llanelly in the county of Carmarthen commencing on the lands known as Cwmlliedi at a point distant 650 feet or thereabouts measured in a north-westerly direction from the centre of the bridge which carries the highway leading from Llannon main road to the main road to Five Roads over the River Lliedi and terminating at a point where the Maesllydan stream joins the River Lliedi at Gellifechan;

A conduit or line of pipes situate wholly within the parish of Llanelly aforesaid commencing at the point herein-before described as the commencement of the intended storage and service reservoir and terminating by a junction with the present main water pipe of the Local Board in Station Road at a point where that road joins the Wern and Hoelfawr Roads;

A storm water bye-wash or waste weir situate wholly in the parish of Llanelly aforesaid commencing at the ninth lip of the existing waste wier of the present embankment of the Lliedi reservoir and terminating at the point herein-before described as the commencement of the intended storage and service reservoir;

together with all proper and necessary shafts pumps pumping stations embankments filtering beds tanks dams gauges drains sluices catchpits conduits culverts channels wells cuts adits aqueducts tunnels roads approaches apparatus engines works and conveniences connected therewith.

Power to take lands and waters.

7. Subject to the provisions of this Act the Local Board may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may from time to time for the purpose of their waterworks collect impound take use get and appropriate all rivers springs streams and waters intercepted by any

of those works and all springs streams and waters found in on or under any of those lands acquired by the Local Board.

Power to deviate.

8. In the construction of the works by this Act authorised the Local Board may deviate laterally from the lines of the respective works as shown on the deposited plans to the extent of the limits of lateral deviation marked in each case thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or three feet downwards Provided that the Local Board shall not in the exercise of the power of lateral deviation hereby given make any wall or embankment of the reservoir of a greater height above the general surface of the ground than the height shown in the case of the corresponding wall or embankment on the deposited sections and three feet in addition.

Period for compulsory purchase of lands.

9. The powers of the Local Board for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Time for completion of works.

10. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Power to take additional lands by agreement.

11. The Local Board may from time to time for the purposes of their water undertaking purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised by this Act to take by compulsion but the Local Board shall not create or permit the creation of any nuisance on any such lands and such lands shall not be used for any buildings except buildings required for or used in connexion with the water undertaking of the Local Board.

Power to take easements &c. by agreement.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Local Board any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses 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.

Extending provisions of sections 14 and 15 of

13. The provisions of sections 14 and 15 of the Llanelly (Local Board) Waterwork Act 1865 (the marginal notes of which are

A.D. 1891.

Llanelly (Local Board) Waterwork Act 1865 to this Act.

respectively "For protection of lands of G. F. Newmarch" and "As to drainage outfall from lands of G. F. Newmarch") shall extend and apply to the waterworks by this Act authorised to be constructed by the Local Board.

Restriction on taking houses of labouring class.

14. The Local Board shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Existing waterworks of Local Board and works authorised by this Act to form one undertaking.

15. Subject to the provisions of this Act the waterworks by this Act authorised shall for all purposes whatsoever inclusive of rents rates and charges be deemed part of the waterworks undertaking of the Local Board.

Reservation of water rights &c. on sale of surplus lands.

16. The Local Board on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use or flow of water exercise of noxious trades or discharge passage or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to borrow.

17. The Local Board may from time to time in addition to any moneys they are already authorised to borrow borrow at interest any sum or sums of money not exceeding in the whole the sum of seventy thousand pounds for the purposes of this Act and for those purposes may mortgage or charge the district fund the general district rate and the revenue of their water undertaking or any one or more of those securities.

Power to borrow under Local Loans Act 1875.

18. The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers

and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Local Board in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act.

Provisions of Public Health Act as to mortgages to apply.

19. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (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.

As to repayment of borrowed moneys.

20. With respect to the repayment of moneys to be borrowed under the powers of this Act the following provisions shall have effect (that is to say) :—

(1.) The Local Board shall repay—

All moneys borrowed under the powers of this Act for payment of the costs thereof within fifteen years from the date of the borrowing of the same ;

All moneys borrowed under the powers of this Act for the purposes of the waterworks and other works by this Act authorised to be constructed by the Local Board within fifty years from the borrowing of the same :

(2.) And such repayment shall be effected—

Either by equal yearly or half-yearly instalments of principal or of principal and interest ;

Or by means of sinking funds ;

Or partly by such instalments and partly by sinking funds :

(3.) And the sinking funds shall be provided as follows :—

The Local Board in every year shall appropriate and set apart out of the tolls funds and rates on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security within the periods by this Act prescribed :

A.D. 1891.

(4.) The payment to the said sinking funds for repayment of moneys to be borrowed under the powers of this Act shall commence on the twenty-fifth day of March next following the time of the borrowing of such moneys respectively:

(5.) Provided as follows (that is to say):—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities;

(B) The Local Board may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based Provided also that whenever and so long as the yearly income arising from the sinking fund when invested at the same rate of interest as the borrowed moneys then outstanding shall be equal to the annual interest of such borrowed moneys then outstanding the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Sinking funds may be adjusted in certain events.

21. If the Local Board out of the proceeds of the sale or disposition of lands or other moneys received on capital account other than borrowed moneys repay any principal moneys the payments to the sinking fund (if any) established under the provisions of this Act or the amounts of the instalments for the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Audit of accounts.

22. The two hundred and forty-fifth section the two hundred and forty-seventh section (except so much thereof as is repealed by the District Auditors Act 1879) and the two hundred and forty-ninth

and two hundred and fiftieth sections of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Local Board under this Act and to the audit of such accounts.

Annual return to Local Government Board with respect to sinking funds.

23. The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to reborrow.

24. The Local Board may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under this Act or the repayment of which is provided for by this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can

A.D. 1891.

reborrow at a lower rate of interest and so from time to time Provided as follows:—

The time for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed;

For the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loan;

The Local Board shall not reborrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys.

Protection of lender from inquiry.

25. A person lending money to the Local Board under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Application of money borrowed.

26. Money borrowed by the Local Board under this Act shall be applied only for the purposes of this Act to which capital is properly applicable.

Regulations in section 234 of Public Health Act 1875 not to apply.

27. The powers of borrowing money by this Act authorised shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Saving for existing charges.

28. In the event of the Local Board borrowing on mortgage the whole or any part of the money authorised by this Act nothing in this Act relating to any such mortgage shall prejudicially affect any charge on the revenue and rates or the estates and property of the Local Board subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Deficiency in water account to be made good out of district rate.

29. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon including interest instalments of principal and contributions to sinking fund the deficiency shall be made up out of the general district rate by carrying an adequate sum therefrom to the credit

of the water account and the Local Board from time to time 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 may include therein such sums respectively (if any) as in the judgment of the Local Board are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account and shall collect the same as part of such general district rate.

Costs of Act.

30. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of the district fund general district rate or out of moneys borrowed under the provisions of this Act.

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