CHAPTER xxxvi.

An Act to confer further powers on the Llanelly Rural District Council in regard to their water undertaking. A.D. 1919.

[31st July 1919.]

WHEREAS the rural district of Llanelly in the county of Carmarthen (herein-after referred to as "the district") is under the jurisdiction of the Llanelly Rural District Council (herein-after referred to as "the Council"):

And whereas in order to enable them to afford an adequate supply of water in the district the Council were authorised by the Llanelly Rural District Water Act 1912 (herein-after referred to as "the Act of 1912") to construct waterworks on the river Sawdde in the parish of Llanddeusant:

And whereas the Council were by the said Act of 1912 authorised to borrow the sum of one hundred and seventy-nine thousand four hundred and twenty-three pounds for the purchase of lands and easements and for the construction of the works authorised by that Act and for the laying down of mains and the construction of other waterworks but owing to circumstances arising out of the present war and by reason of the capacity of the works having been increased so as to yield a supply of 1,500,000 gallons per diem instead of 1,000,000 gallons per diem as at first contemplated that sum has been found to be insufficient:

And whereas it is expedient that the Council should be empowered to borrow further moneys in respect of their water undertaking:

And whereas an estimate has been prepared by the Council of the additional money which will be required for the purchase of lands and for the completion of the said works and such estimate

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amounts to fifty-two thousand four hundred and fifty-three pounds:

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

And whereas by the Llanelly Waterworks Act 1909 (herein-after referred to as "the Act of 1909") the Llanelly Urban District Council (who were the predecessors of the corporation of Llanelly and were in that Act referred to as "the Council") were authorised to extend their limits for the supply of water so as to include certain parts of the district (in the Act of 1909 and herein-after referred to as "the extended limits") and by section 29 of the Act of 1909 it was enacted as follows:—

"(1) If at any time within seven years after the passing of this Act the rural district council shall give not less than six months' notice in writing to the Council of their desire to purchase such portion of the waterworks and plant of the Council as is herein-after referred to and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the water-works and plant of the Council and to supply water within the extended limits then it shall not be lawful for the Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Council shall sell and the rural district council shall purchase such portion of the waterworks and plant of the Council as is situate within the extended limits (except the impounding reservoirs filter beds and any mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of supply or any local authority other than the rural district council) at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts:

"(2) Any such purchase by the rural district council shall be deemed to be a purpose of the Public Health Act 1875 except so far as may be otherwise provided for by Parliament:

"(3) The Council shall apply the proceeds of any such sale in the manner in which they are required to apply the proceeds of the sale of any superfluous lands of the Council under the powers of this Act:

"(4) After completion of such purchase by the rural district council all obligations on the part of the Council to supply water within the extended limits shall cease and determine":

And whereas by orders made by the Local Government Board in pursuance of the Special Acts (Extension of Time) Act 1915 dated respectively the 27th day of January 1916 the 25th day of July 1917 and the 14th day of August 1918 the period of seven years mentioned in section 29 of the Act of 1909 has been extended until the 16th day of August 1919:

And whereas the construction of the works authorised by the Act of 1912 has with the consent of the Local Government Board been proceeded with during the present war and such works are now so far completed as to admit of the Council supplying water therefrom sufficient to meet the requirements of the district:

And whereas it is expedient that the Council should be enabled to supply water in such parts of the extended limits as are in this Act referred to and to purchase such portion of the waterworks and plant of the said corporation as is in this Act mentioned:

And whereas by the Carmarthen and Glamorgan (Pontyberem) Confirmation Order 1919 an area formerly forming portions of the parishes of Llanarthney Llanddarog and Llangendeirne in the rural district of Carmarthen and of the parishes of Llanelly Rural and Llannon in the district has been formed into a separate parish by the name of Pontyberem and such parish forms part of the district and it is expedient that the parts of such parish which are not within the limits of the Council for the supply of water should be included in such limits:

And whereas it is expedient that the other provisions of this Act should be made:

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

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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):—

Short and collective titles.

1. This Act may be cited as the Llanelly Rural District Water Act 1919 and the Llanelly Rural District Water Act 1912 and this Act may be cited for all purposes as the Llanelly Rural District Water Acts 1912 and 1919.

Interpretation.

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

"The district" means the rural district of Llanelly;

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

"The clerk" means the clerk of the Council;

"The corporation" means the mayor aldermen and burgesses of the borough of Llanelly;

"The Act of 1909" means the Llanelly Waterworks Act 1909;

"The Act of 1912" means the Llanelly Rural District Water Act 1912;

"The extended limits" means the areas edged red on the plan referred to in section 4 of the Act of 1909;

"The existing limits of supply" means the limits for the supply of water by the Council under the Act of 1912;

"The limits of supply" means and includes the existing limits of supply as extended by this Act;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include

annuities rentcharges or securities transferable by delivery or any securities of the Council; A.D. 1919.

"Statutory borrowing powers" means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any provisional order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

As to purchase of certain waterworks and plant of Llanelly Corporation.

3.—(1) The corporation shall sell and the Council may and shall purchase such portion of the waterworks and plant of the corporation as is situate within the limits of supply (except any mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the corporation for the supply of water or any local authority other than the Council).

(2) The sale and purchase shall be for such price or consideration (being a sum in gross) and upon such terms and conditions as may be agreed upon between the Council and the corporation or as in default of agreement shall be fixed by arbitration under the provisions of the Lands Clauses Acts.

(3) The Council shall pay the price or consideration for the said purchase on such day as may be agreed upon between the Council and the corporation or failing such agreement within three months from the date of the award determining such price or consideration and upon such payment such portion of the waterworks and plant of the corporation as is referred to in subsection (1) of this section shall by virtue of this Act be transferred to and vested in the Council as part of the water undertaking of the Council free as between the corporation and the Council from all contracts obligations debts liabilities and incumbrances affecting the same and thenceforth all powers rights privileges authorities and obligations on the

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part of the corporation for or in relation to the supply of water within so much of the extended limits as is referred to in sub-section (1.) of the section of this Act of which the marginal note is "Extension of limits of supply" shall cease and determine.

Receipt for purchase-money.

4. The receipt in writing of the mayor and borough treasurer of the borough of Llanelly for the price or consideration to be paid to the corporation by the Council shall effectually discharge the Council from the amount so paid and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of the said mayor and borough treasurer.

Actions &c. not to abate and penalties may be recoverable.

5. No action suit prosecution or other proceeding whatsoever commenced either by or against the corporation shall abate or be discontinued or be prejudicially affected by reason of the transfer to and vesting in the Council of the portion of the waterworks and plant of the corporation by this Act transferred to and vested in the Council but the same shall continue or take effect either in favour of or against the corporation in the same manner in all respects as the same would have continued and taken effect in relation to the corporation if the transfer had not been made and all penalties incurred by reason of any offence against the provisions of any regulations of the corporation binding on the corporation previous to the date of the completion of the purchase may be sued for and all offences committed against such provisions previously to the completion of the purchase may be prosecuted in such or the like manner to all intents and purposes as such penalties might have been sued for or such offence prosecuted if the transfer had not taken place and all rents rates and moneys payable to the corporation previously to the date of the completion of the purchase may be sued for and recovered by the corporation in the same manner in all respects as the same might have been sued for and recovered if this Act had not been passed.

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Extension of limits of supply.

6.—(1) The limits for the supply of water by the Council are hereby extended so as to include in addition to the existing limits of supply the following areas:—

(i) So much of the extended limits as is shown on the map herein-after in this section referred to and is thereon edged pink:

(ii) So much of the parish of Pontyberem constituted by the Carmarthen and Glamorgan (Pontyberem) Confirmation Order 1919 as previously to the passing of this Act was not included in the existing limits of supply which area is shown on the said map and is thereon edged purple.

(2)—(A) The areas referred to in this section are shown and edged pink and purple respectively on the map signed in triplicate by Captain John Ralph Starkey the Chairman of the Committee of the House of Commons to whom the Bill for this Act was during its progress through Parliament referred of which map one copy has been deposited in the Private Bill Office of the House of Commons one copy in the Parliament Office of the House of Lords and one copy at the office of the Council.

(B) Copies of the said map deposited at the office of the Council certified by the clerk to be true copies shall be received in all courts of justice and proceedings as prima facie evidence of the contents of such map.

(3) The Council shall have and may exercise within the limits of supply all and the like powers privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within the existing limits of supply and the provisions of the Act of 1912 relating to the water undertaking of the Council and of this Act shall extend and apply accordingly throughout the limits of supply.

(4) As from the passing of this Act so much of subsection (1) of section 4 (Extension of limits of supply) of the Act of 1909 as relates to o much of the extended limits as is referred to in subsection (1) of this section is hereby repealed.

Supply of water to corporation.

7.—(1) The Council shall supply to the corporation and the corporation shall take 200,000 gallons a day of water in bulk and the corporation shall pay for all water supplied at the rate of sixpence for each 1,000 gallons.

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(2) A quantity not exceeding 10,000 gallons a day shall be supplied at a point on the eastern boundary of the limits of the corporation for the supply of water near the village of Bryn and the remainder of the said supply shall be given at such point or points (not exceeding two) on or near the western boundary of the said limits of the corporation as may be agreed or failing agreement determined by arbitration.

(3) The supply shall be taken at a uniform rate each day of twenty-four hours and under such conditions as failing agreement shall be determined by arbitration.

(4) All water so supplied shall be measured by suitable meters or other apparatus to be provided by the corporation and approved by the engineer of the Council Such meters shall be placed in suitable chambers or buildings to be provided by the corporation and such meters and all pipes valves and other apparatus connecting the same with the lines of pipes of the Council shall be fixed and constructed by the Council at the cost of the corporation The Council shall at all reasonable times be at liberty to inspect such meters and the works appertaining thereto for the purpose of testing the accuracy and state of repair thereof and if necessary to require the same to be repaired and maintained by the corporation.

(5) The Council shall not be liable for any damage loss or expense caused by any failure in the supply of water to the corporation if such failure shall be occasioned by frost unusual drought or any cause beyond the control of the Council.

(6) The supply under this section shall commence on the first day of January one thousand nine hundred and twenty and shall continue until the thirty-first day of December one thousand nine hundred and twenty-nine and thereafter unless and until determined by the corporation or the Council by twelve calendar months' previous notice in writing.

(7) Any difference between the Council and the corporation under this section shall be settled by an arbitrator to be appointed by agreement or in default of agreement by the President of the Institution of Civil Engineers under and subject to the provisions of the Arbitration Act 1889.

Power to borrow.

8.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the

respective sums mentioned in the second column thereof and they may pay off all moneys so borrowed within the periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column of the said table (namely):— A.D. 1919.

1	2	3
Purpose.	Amount.	Period.
(A) For and in connexion with the purchase of lands the completion of the works authorised by the Act of 1912 and otherwise in connexion with their water undertaking.	£52,453 (including the sum of £13,905 as to which a temporary loan has been sanctioned by the Local Government Board).	60 years from the date or dates of borrowing.
(B) For paying the price or consideration for the purchase of waterworks and plant of the corporation and for defraying the costs charges and expenses incident to such purchase.	The sum requisite -	30 years from the date or dates of borrowing.
(C) For paying the costs charges and expenses of this Act as herein-after provided.	The sum requisite -	5 years from the passing of this Act.

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

(3) In order to secure the repayment of the money borrowed or reborrowed under this Act or under the Act of 1912 and the payment of the interest thereon the Council may mortgage or charge the revenue of the water undertaking of the Council and the rates out of which deficiencies in the water account of the Council are payable under this Act or either of those securities.

(4) Any moneys borrowed by the Council before the passing of this Act for the purposes of this Act shall be deemed to have been borrowed under the powers of this Act.

9. The following provisions of the Act of 1912 shall with any necessary modifications extend and apply to this Act as if the same were re-enacted in this Act (namely):— Application of provisions of Act of 1912.

Section 46 Certain regulations of Public Health Act as to borrowing not to apply;

Section 47 Mode of raising money;

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Section 48 Provisions of Public Health Act 1875 as to mortgages to apply;
Section 51 Sinking Fund;
Section 52 Protection of lender from inquiry;
Section 53 Council not to regard trusts;
Section 54 Appointment of receiver;
Section 55 Power to reborrow;
Section 56 Return respecting sinking fund to Local Government Board;
Section 57 Application of money borrowed;
Section 59 Audit of accounts;
Section 60 Inquiries by Local Government Board;
Section 61 As to notices &c.;
Section 62 Recovery of penalties &c.;
Section 63 Application of section 265 of Public Health Act 1875.

Mode of payment off of money borrowed.

10. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing the sum in respect of which the payment is made.

Application of revenue and deficiency of receipts in respect of water undertaking.

11.—(1) The Council shall apply all money received by them in respect of their water undertaking (except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account) in manner and in the order following (that is to say):—

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

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

Thirdly In providing the requisite appropriations or 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 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 the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking 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 the payment of the cost of renewing any part of the undertaking and so that if the 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 credit of an account to be called "the water fund account" so much of any balance remaining in any year of the money so received (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.

(2) Any deficiency in the revenue of the water undertaking of the Council in any year shall be transferred to and charged against the said water fund account.

Method of dealing with balances on water fund account.

12.—(1) The amount of any deficiencies from time to time transferred to the water fund account of the Council and not made good out of sums carried to the credit of that account shall be charged upon and raised from the area comprised within

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the limits of supply as if that area were a contributory place within the meaning of section 229 of the Public Health Act 1875 and the said amount were special expenses incurred under that Act in providing a supply of water to that place and any necessary precepts shall be issued by the Council to the overseers of every parish which is wholly or partly contained within the said area and any necessary contributions shall be paid and rates shall be levied by the said overseers accordingly.

(2) The amount of any surplus balances from time to time transferred to the credit of the said water fund account and not absorbed in meeting deficiencies charged against that account shall be applied in reduction of the poor rate or any rate for special expenses under the Public Health Act 1875 levied on ratepayers within the said area and shall be apportioned among such ratepayers in the same manner as the same amount of any charge for deficiencies would be apportioned among them in pursuance of the provisions of subsection (1) of this section.

(3) Provided always that it shall not be obligatory upon the Council so to raise the amount of any such deficiencies or so to apply the amount of any such surplus balances unless and until the amount to be raised or applied is at least one thousand pounds and any balances smaller than that sum may be carried forward on the water fund account from time to time if the Council think fit.

(4) Section 58 (Expenses of execution of Act) of the Act of 1912 is hereby repealed.

(5) Section 45 (Power to borrow) of the Act of 1912 is hereby amended by substituting the words "deficiencies on the water fund account of the Council" in place of the words "the expenses of the execution by the Council of the provisions of this Act."

(6) No rate shall be levied for the purposes of the Act of 1912 or of this Act within so much of the district as is for the time being within the limits of the corporation for the supply of water.

Scheme for fixing equated periods and consolidating loans.

13.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more equated periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and

such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights or remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such moneys as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board shall sanction.

(5) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Several sums in one summons.

14. Where the payment of more than one sum by any person is due under this Act or any Act or Order relating to the Council any summons or warrant issued for the purposes of such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Penalties to be paid over to treasurer.

15. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under the Act of 1912 or this Act or under any byelaw thereunder respectively shall be paid to the treasurer and be by him carried to the credit of the water fund or to such other fund or account as the Council shall direct.

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Recovery of demands.

16. Proceedings for the recovery of any demand made under the authority of the Act of 1912 or this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Costs of Act.

17. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council and may in the first instance be paid out of any moneys in their hands but ultimately if the Council so determine out of moneys to be borrowed under this Act.

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