CHAPTER clii.

An Act to empower the Llanfrechfa Upper Local Board to make Waterworks and supply Water; and for other purposes. [14th July 1884.]

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WHEREAS the parish of Llanfrechfa Upper in the county of Monmouth is governed for local purposes by the Llanfrechfa Upper Local Board (in this Act called "the Local Board"):

And whereas there is not at present any supply of water within the district of the Local Board (in this Act called "the district") nor is it included within the limits of any waterworks company incorporated by Act of Parliament and it is expedient that the Local Board should be authorised to construct waterworks and to furnish such supply:

And whereas it is expedient that the Local Board should be authorised to raise further money by rates and by borrowing for the purposes of this Act:

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

And whereas estimates have been prepared by the Local Board for the purchase of land for and the execution of the waterworks by this Act authorised and such estimates amount to nine thousand five hundred pounds:

And whereas the several works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the thirteenth day of December one thousand eight hundred and eighty-three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Evening Star a local paper published or 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

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should be charged on the district fund and general district rates of the district:

And whereas such resolution was published twice in the Evening Star a newspaper circulating in the district 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 twenty-eighth day of December one thousand eight hundred and eighty-three being not less than fourteen days after the deposit of the Bill in Parliament:

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

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and plans showing the lands to be acquired under the powers of this Act and 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 lands in the line of those works or within the limits of deviation as defined on the plans and describing those lands have been deposited with the clerk of the peace for the county of Monmouth and are in this Act referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Llanfrechfa Upper Local Board Waterworks Act 1884.

Incorporation of general Acts.

2. The following enactments namely:—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (hereinafter referred to as the Lands Clauses Acts);

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except the words "with the consent in writing of "the owner or reputed owner of any such house or of the "agent of such owner" in the 44th section thereof);

The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands; and

The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners (except section 84);

so far as the same respectively are applicable for the purposes of and not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

Interpretation.

3. In this Act the following words and expressions shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The Local Board" means the Local Board for the district of Llanfrechfa Upper;

"The district" means the district of the Local Board except as restricted by the section of this Act the marginal note whereof is "Excepting Griffiths Town from limits of Act";

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

"Water revenue" means all moneys received by the Local Board in respect of water supply on revenue account;

"The water undertaking" means the waterworks mains and pipes by this Act authorised to be constructed or laid by the Local Board and the lands acquired for the purposes thereof;

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same;

The several words and expressions to which by 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.

For the purposes of this Act in enactments incorporated with this Act—

"The Undertakers" "the Company" or "the Commissioners" means the Local Board;

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

"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;

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In this Act and for the purposes of this Act in enactments incorporated herewith

"Superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act for the supply of water shall be the parishes of Llanfrechfa Upper (except as herein-after provided) and Llanfihangel Llantarnam both in the county of Monmouth: Provided always that if in any parish within the limits of this Act but outside the district of the Local Board the Local Board shall not have made adequate provision for supplying water within five years after the period herein-after fixed for the completion of the works the restriction on the construction of waterworks by a local authority by Section 52 of the Public Health Act 1875 shall not in respect of the Local Board apply to or be binding on the local authority (as defined by that Act) of such parish.

Excepting Griffiths Town from limits of Act.

5. For the purposes of this Act the parish of Llanfrechfa Upper and the district of the Local Board shall not be deemed to comprise and shall not include any part of the detached portion of the said parish or district (commonly known as Griffiths Town) which is surrounded on all or most sides thereof by the adjoining parish of Panteg and none of the powers conferred on the Local Board by this Act shall in any respect extend to such detached portion of the said parish or district or any part thereof.

Act to be executed by Local Board.

6. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Acts and those Acts shall in relation to the Local Board and the several objects and purposes of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts so far as the same shall be applicable thereto and except so far as any of the provisions of the Public Health Acts are expressly varied or otherwise provided for by this Act.

Power to make waterworks.

7. 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 according to the levels shown on the deposited sections all or any of the works shown on the deposited plans among which are the following principal works and 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 require for the purpose.

The following are the said principal works:—

(1) A reservoir situate wholly in the said parish of Llanfrechfa Upper in the county of Monmouth on Blaenbran and Gellygravog Farms and to be formed by an embankment across the stream flowing from Blaenbran through Upper Cwm Bran to the River Afon Llwyd near the Avondale Works;

(2) An aqueduct conduit or line of pipes wholly in the said parish of Llanfrechfa Upper commencing about 1 chain south-east of the outer foot of the said embankment and terminating at the junction of the parish roads about 2 chains and a half south-east of the Siloam Baptist Chapel;

(3) An aqueduct conduit or line of pipes commencing in the said parish of Llanfrechfa Upper at the termination of work No. 2 and terminating in the parish of Llanfihangel Llantarnam;

Together with all proper embankments bridges tanks filtering beds dams weirs sluices byewashes channels catchwater drains pipes culverts tunnels cuts adits engines approaches works and conveniences auxiliary or subsidiary thereto or connected therewith or necessary for taking collecting impounding using diverting filtering and distributing the waters by this Act authorised to be taken or used and may enter upon take and use such of the lands shown upon the deposited plans and described in the deposited book of reference as they deem necessary for the purpose of their waterworks undertaking and may collect impound take use get and appropriate for those purposes the waters of the said stream flowing from Blaenbran to the said River Afon Llwyd (in this Act referred to as Blaenbran stream) and of the tributary thereof which joins it above the embankment of the reservoir and all other streams and waters shown on the deposited plans as intended to be intercepted or taken and all waters found in on or under any of the lands belonging to or which may be acquired by the Local Board under this Act and may stop up all roads and ways within the limits of deviation defined on the deposited plans and thereon shown as intended to be stopped up and in all cases in which they acquire the lands on both sides of any such road or way they may after stopping up the same appropriate the site thereof.

As to compensation water.

8. With respect to the water to be taken and compensation water to be afforded by the Local Board the following provisions shall have effect (that is to say):—

(1) The owners lessees and occupiers of the blast furnaces known as the Blaendare or Race Furnaces near Pontypool occupied by the Ebbw Vale Steel Iron and Coal Company (Limited) shall

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not at any time take along the existing watercourse a greater quantity of water during any working day from the quarry springs and the upper springs than ninety thousand gallons which water shall be carried through a pipe to be placed at a point on the said watercourse situate one hundred and two yards direct south of the house called Blaenbran Farm House and at or about the figure 116 on the Parish Ordnance Survey of 1881;

(2) In order to measure the quantity of water so to be taken as aforesaid the Local Board shall cause to be erected and maintained at the said point a proper and suitable measuring gauge over or through which the said quantity of water shall flow or be discharged and the said gauge shall be open to the inspection of the said owners lessees and occupiers or any person appointed in that behalf by them and sub-sections 7 8 9 and 10 of this section shall extend and apply mutatis mutandis to and in relation to the water so to be taken and to and in relation to the said gauge and the Local Board and the said owners lessees and occupiers;

(3) The Local Board shall when required by the Great Western Railway Company between the hours of eleven o'clock on each Saturday night and eleven o'clock on each Sunday night deliver or allow to flow into the Blaenbran stream above the intake of the canal feeder and below the foot of the embankment of the said reservoir not less than two hundred and twenty thousand gallons of water for the use of the Great Western Railway Company as owners of the Monmouthshire Canal;

(4) The Local Board shall during every working day in the year deliver or allow to flow into the Blaenbran stream at a point therein situate not more than two hundred yards (measured along the centre of that stream) below the foot of the embankment of the said reservoir not less than two hundred and twenty thousand gallons of water;

(5) For the purpose of measuring the quantity of water to be so discharged by the Local Board into the Blaenbran stream they shall cause to be erected and maintained at some point on that stream below the said reservoir at a point not more than two hundred yards from the foot of the outer slope of the embankment thereof a proper and suitable measuring gauge over or through which the said quantity of water shall flow or be discharged;

(6) The gauge shall be open to the inspection and examination of the Great Western Railway Company and of the owners lessees

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and occupiers of all existing and future mills and works interested in the flow of the said stream and situate above the junction thereof with the River Afon Llwyd;

(7) If at any time any such gauge be out of repair or in an unfit condition for the purpose for which it is intended the Local Board shall forthwith put the same in a fit repair and condition and if they fail so to do within fourteen days after notice in writing given them in that behalf by or on behalf of the occupier of any of the said mills and works or of the Great Western Railway Company he or they (as the case may be) may cause the same to be put in proper repair and condition and recover the reasonable costs thereof with full costs of suit in any court of competent jurisdiction;

(8) When the Local Board shall commence and so long as they shall continue to deliver from and out of their reservoir and works or permit to flow the due quantity of compensation water in manner aforesaid the same shall be accepted and taken by the owners lessees and occupiers of all lands and of all mills and works of every kind interested in the waters of the said stream below the said gauge and by the Great Western Railway Company as full compensation for all water which the Local Board may or can collect or divert from the said stream by any works now or hereafter to be constructed;

(9) In case the Local Board omit or fail to discharge or cause to flow the said quantity of water by this Act required to be discharged through the said gauge except during such period as may be necessary from time to time for cleaning or repairing the said reservoir and the works connected therewith the Local Board shall make compensation to every such occupier who may have sustained loss by any such omission or failure for and in respect of all such loss so sustained by him by reason of such omission or failure the same to be recoverable with costs in any court of competent jurisdiction. The provisions of this sub-section shall extend and apply mutatis mutandis to the Great Western Railway Company as owners of the said canal.

(10) In the event of any difference or disagreement between the Local Board and any person interested in the water to be discharged through the said gauge with respect to the construction or use thereof or of any parts thereof such difference or disagreement shall from time to time be settled and determined by a hydraulic engineer to be agreed upon by the parties in difference or failing them by a hydraulic engineer to

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be nominated on the application of either party after seven days' notice in writing to the other by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall in every case be in the discretion of the referee.

For the protection of the Great Western Railway Company.

9. For the protection of the Great Western Railway Company (herein-after referred to as the Great Western Company) the following provisions shall apply:—

(A) In laying down or executing or in effecting the repairs or renewals of any aqueducts conduits pipes or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the lands or property now or hereafter belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations canals towing paths roads or other works of or any level crossings over the railways of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him or in the event of such engineer and the engineer of the Local Board not agreeing then in such manner as shall be determined by an engineer to be appointed by the Board of Trade on the application of either party and the decision of such engineer shall be final and conclusive between both parties;

(B) All such works shall be done by and at the expense of the Local Board who also shall from time to time restore and make good the roads over any bridges level crossings and approaches which the Great Western Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Local Board;

(C) All such works and operations and all matters incidental thereto shall be constructed executed and done so as not to cause any injury to such railways canals towing paths bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon or along such canals or towing paths or at any wharf of the Great Western Company;

(D) If any such injury or interruption shall arise from or in any way be owing to any of the works operations and matters aforesaid or the bursting leakage or failure of any such mains pipes or works the Local Board shall make compensation to

the Great Western Company in respect thereof the amount of such compensation together with full costs to be recoverable by the Great Western Company from the Local Board by all and the same means as any simple contract debt is recoverable;

(E) In cases of emergency the Local Board may commence such works as may be necessary for the maintenance or repair of any works of the Local Board and shall submit such plans and obtain the approval thereto of the principal engineer of the Great Western Company and otherwise comply with the provisions of this section as aforesaid at the earliest possible moment.

Power to deviate.

10. In constructing the waterworks by this Act authorised or any of them the Local Board may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and beyond those limits with the consent of the persons through whose lands such deviation is proposed to be made and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may except where crossing any railway canal lands works or property of the Great Western Railway Company or passing along any road of that Company also deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards and seven feet downwards in the case of the reservoir and five feet upwards or downwards in respect of other works: Provided always that the Local Board shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown in each case on the deposited sections.

As to minerals underlaying the reservoir.

11. If and whenever the owners lessees or occupiers of any minerals lying within forty yards of any portion of the lands which may be acquired under the powers of this Act for the purpose of the reservoir by this Act authorised or the embankment thereof shall be desirous of working the said minerals and shall give due notice thereof to the Local Board in manner provided by the Waterworks Clauses Act 1847 the Local Board shall on receipt of such notice purchase the whole of the said minerals at such price as may be agreed on between the Local Board and such owners lessees and occupiers or as failing agreement shall be settled by arbitration under the provisions of the Lands Clauses Acts.

Power to purchase additional lands for

12. The Local Board in addition to the lands they are authorised to take under the compulsory powers of this Act may from time to time by agreement purchase and hold for the purposes of their

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waterworks purposes.

water undertaking any land not exceeding in the whole five acres but the Local Board shall not use such land for any building purpose unconnected with their waterworks.

Persons authorised to convey land may grant easements.

13. The persons by the Lands Clauses Consolidation Act 1845 authorised to sell and convey or release lands may by agreement and subject to the provisions of such Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 grant to the Local Board for the purposes of this Act any easement (not being an easement of water) right liberty privilege power or authority in over or affecting the lands by this Act authorised to be taken and the provisions of the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 with respect to land and rentcharges so far as the same respectively are applicable in that behalf shall extend and apply to such easements rights and privileges as aforesaid and to rentcharges reserved by grants of easements respectively.

Period for compulsory purchase of lands.

14. The powers by this Act granted to the Local Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

15. The waterworks hereby authorised shall be completed within ten years from the passing of this Act and on the expiration of such period the powers by this Act granted to the Local Board for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed but nothing in this Act contained shall restrict the Local Board from extending enlarging altering or removing any of their tanks filters and engines machinery mains or pipes at any time or from time to time as occasion requires.

Provisions for sale of portions of undertaking to sanitary authorities.

16. If at any time after the passing of this Act any sanitary authority whose district is beyond the limits of the Local Board for the supply of water shall give not less than six months' notice in writing to the Local Board of their desire to purchase such portion of the water undertaking of the Local Board as is contained within such district 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 undertaking of the Local Board (except the lands wells streams adits waters waterworks mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of supply of the Local Board) and to supply water within such district then it shall not be lawful for the Local Board to oppose such

application (except as to the details thereof) and if such powers of purchase be granted the Local Board shall sell and such sanitary authority shall purchase such portion of the undertaking of the Local Board (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts: Provided that after the completion of such purchase all obligations on the part of the Local Board to supply water within such district shall cease and determine.

Supply of water for domestic purposes.

17. The Local Board may cause either main pipes or service pipes as circumstances shall require to be laid down and water to be brought through every street within the water limits and save as herein-after mentioned shall at the request of the owner or occupier of any house in any street in which such pipes shall have been so laid down furnish to such person within such house by means of branch or communication pipes and other necessary and proper apparatus to be provided laid down and maintained as herein-after mentioned at the cost of such person a sufficient supply of water for domestic purposes and save as herein-after mentioned the owner of any house within the water limits which has not a sufficient supply of pure and wholesome water for domestic use shall when thereunto required by the Local Board provide a branch or communication pipe and other necessary and proper apparatus to convey the water into such house from any main or service pipe which now is or hereafter may be laid in any street in which such house may be situate in such manner as to afford an actual supply of water within such house to the occupier thereof and except as herein-after provided the occupier of such house shall be liable to pay and shall pay the water rates in respect of the same.

Regulations for preventing waste &c. of water.

18. For preventing waste misuse undue consumption or contamination of the water of the Local Board the following provisions shall have effect namely:—

(1) The Local Board may from time to time make regulations as to the construction and use of water fittings: Provided always that any such regulations shall be subject to the approval of the Local Government Board and the Local Board shall cause a copy of the approved regulations to be published in some newspaper circulating in the district and shall on payment of such sum not exceeding twopence as they may demand furnish a copy of the same to any consumer of water who may require the same;

(2) The Local Board may by any such regulations as aforesaid direct the use and prescribe the size nature strength materials

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workmanship and the mode of arrangement alteration and repair of pipes valves cocks tanks cisterns soil-pans water-closets and other apparatus or receptacles for conveying delivering receiving and measuring water and may interdict any arrangement and the use of any pipe valve cock tank cistern bath soil-pan water-closet or other apparatus or receptacle in their judgment likely to occasion waste misuse undue consumption erroneous measurement or contamination of water;

(3) The Local Board shall not be bound under any agreement or otherwise to supply or continue to supply water to any person unless the regulations for the time being in force are duly observed by him;

(4) In case of the failure of any person to observe any regulation for the time being in force the Local Board may if they think fit after twenty-four hours' notice in writing enter and by or under the direction of their authorised officer repair replace or alter any pipe valve cock tank cistern bath soil-pan water-closet or other apparatus or receptacle belonging to or used by any person supplied by them and the power of entry given by section fifteen of the Waterworks Clauses Act 1863 and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair replacement or alteration and the expense of every such repair replacement or alteration shall be repaid to the Local Board by the person on whose credit the water is supplied and may be recovered from him as water rent is recoverable;

(5) A printed copy of the regulations purporting to have been made as aforesaid by the Local Board and to be sealed with the seal of the Local Board shall be taken to be proof of the due making publication and existence of such regulations until the contrary be shown and any person who shall offend against any such regulations shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day or part of a day such offence shall occur after conviction therefor;

(6) Subject to the provisions of this section sections 182 and 184 of the Public Health Act 1875 shall mutatis mutandis extend and apply to and in relation to the making of such regulations.

Power for Local Board to supply pipes &c.

19. The Local Board may if requested by any person supplied or about to be supplied by them with water furnish to him any such pipes valves cocks cisterns soil-pans water-closets apparatus and receptacles as are required for the purposes of such supply and from time to time repair or alter the same and may provide all

materials and do all work necessary or proper in that behalf and the costs of providing such materials and executing such works shall be paid by the person requiring the same and shall be recoverable from such person in the same manner as the water rates or rents.

Power for Local Board to remove water pipes.

20. If and whenever any house building or premises which shall have been supplied with water by the Local Board shall be unoccupied the Local Board their agents servants or workmen after giving twenty-four hours' previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Local Board by affixing the same for three days on some conspicuous part of such house building or premises may enter into such house building or premises between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon and remove and carry away any pipe meter fittings or other works the property of the Local Board.

Public drinking fountains.

21. The Local Board from time to time when and as they think expedient may put up and continue and from time to time remove or discontinue drinking places with proper conveniences for the gratuitous supply of water to the public (but for drinking only) in such public places within the water limits as the Local Board think fit but not against any private dwelling-house warehouse counting-house or shop except with the consent of the owner and occupier thereof or against any public building unless the building shall be the property of the Local Board.

Rates for supply of water.

22. The Local Board may demand and take for the supply of water for domestic purposes within the district any rates and charges not exceeding the rates and charges following (that is to say):—

Where the annual value of the premises so supplied with water shall not exceed twenty pounds at a rate per centum per annum not exceeding seven pounds ten shillings;

Where such annual value shall exceed twenty pounds and not exceed forty pounds at a rate per centum per annum not exceeding seven pounds;

Where such annual value shall exceed forty pounds and not exceed sixty pounds at a rate per centum per annum not exceeding six pounds ten shillings;

Where such annual value shall exceed sixty pounds and not exceed eighty pounds at a rate per centum per annum not exceeding six pounds;

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Where such annual value shall exceed eighty pounds and not exceed one hundred pounds at a rate per centum per annum not exceeding five pounds ten shillings;

Where such annual value shall exceed one hundred pounds at a rate per centum per annum not exceeding five pounds;

Provided always that the Local Board shall not be compellable to afford a supply of water for domestic purposes for any less sum than eight shillings and eightpence in any one year for every dwelling-house or part of a dwelling-house:

Rates for water-closets and private baths.

In addition to the rates computed as above specified the Local Board may charge for a second water-closet and also for any private bath in any private dwelling-house or part of such dwelling-house or appurtenance thereto the following rates (that is to say):—

When the annual value shall not exceed ten pounds the sum of five shillings per annum;

When the annual value shall exceed ten pounds but shall not exceed twenty pounds the sum of six shillings per annum;

When the annual value shall exceed twenty pounds but shall not exceed forty pounds the sum of eight shillings per annum;

When the annual value shall exceed forty pounds but shall not exceed eighty pounds the sum of ten shillings per annum;

When the annual value shall exceed eighty pounds the sum of twelve shillings per annum;

And for every additional water-closet beyond the second and for every additional bath beyond the first the sum of five shillings a year respectively.

The Local Board shall not be obliged to supply with water any bath containing more than fifty gallons.

Charges for supply of water for other than domestic purposes.

23. The Local Board may supply water within the district for purposes other than domestic purposes by meter or otherwise and on such terms pecuniary and otherwise and conditions as shall be agreed on between the Local Board and the person requiring the supply and the moneys payable for the supply shall be water rates and recoverable accordingly: 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.

Rate payable by owner for small houses &c.

24. Where the annual value of a house supplied with water does not exceed eight pounds or the house 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 pay the rate for the

supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from rent from time to time due from him to the owner.

Where several houses supplied by one pipe each to pay.

25. Where several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Local Board by a distinct pipe: Provided always that the Local Board shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water-rate is paid for the whole of such dwelling-house and premises.

Incoming tenant not to be liable for arrears of water rate except by express agreement.

26. If any water consumer leave the premises to which water has been supplied without paying to the Local Board the water-rate or charges due from him the Local Board shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer unless the incoming tenant shall have agreed with the Local Board or with the defaulting consumer to pay the arrears but the Local Board shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act if required by him so to do.

Supply to houses partly used for trade &c.

27. The Local Board shall not be bound to supply with water otherwise than by measure any building used as a dwelling-house whereof any part is used as a warehouse or for any trade or manufacturing purpose for which water is required.

Power to borrow and re-borrow.

28. The Local Board from time to time under the authority of this Act in addition to any moneys they are authorised to borrow under the Public Health Acts may borrow at interest on mortgage of the net revenue of the waterworks undertaking and also on mortgage of the district fund and general district rates leviable by the Local Board under the Public Health Acts or of any such securities either together or separately all such sums as they may from time to time think requisite for any of the purposes of this Act not exceeding eleven thousand and five hundred pounds and after having paid off otherwise than by instalments or by the sinking fund or out of the proceeds of the sale of surplus lands any moneys so borrowed may re-borrow the amount so paid off and so from time to time: Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term in that behalf by this Act prescribed:

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Provided also that for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan.

Certain regulations of Public Health Acts as to borrowing not to apply.

29. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Acts and in calculating the amount which the Local Board may borrow under the Public Health Acts any sums which they may borrow under this Act shall not be reckoned.

Protection to lenders from inquiry as to application of money.

30. Any person lending money to the Local Board shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or any part thereof.

Appointment of receiver.

31. The mortgagees of the Local Board in respect of their waterworks undertaking may enforce the payment of arrears of interest or principal or principal and interest due to them by the appointment of a receiver. In order to authorise the appointment of a receiver of the waterworks undertaking in respect of principal the amount owing to the mortgagees by whom the application for receiver is made shall not be less than one thousand pounds.

Repayment of borrowed moneys.

32. The Local Board shall pay off all money borrowed by them under the powers of this Act as follows (that is to say) :—

1. Either by yearly or half-yearly instalments: Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys of which such instalment or instalments form part shall in every year amount to the same sum;
2. Or by a sinking fund to be annually set apart and invested in such securities as are herein-after prescribed and with the accumulations from time to time applied for that purpose as follows :—
   (A) As regards moneys borrowed before the expiration of five years from the passing of this Act within forty-five years after the expiration of such five years;
   (B) As regards moneys borrowed after the expiration of five years from the passing of this Act within fifty years after the same shall have been borrowed;
3. And the annual sums to be set apart shall be such as with the accumulations thereof at compound interest will be sufficient to pay off the said principal sums in the said periods;

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4. The appropriation for the sinking funds shall commence as follows (that is to say) :—

As to moneys borrowed before the expiration of five years from the passing of this Act on the first day of January one thousand eight hundred and eighty-nine; and

As to moneys borrowed after the expiration of such five years on the first day of January next following the date of the borrowing thereof respectively.

Application of sinking funds.

33. The Local Board may from time to time apply the whole or any part of the sinking funds in or towards the discharge of the principal moneys for the discharge of which such funds respectively shall have been established: Provided that they pay in each year into the fund so applied and accumulate until the whole of the principal moneys in respect of which it shall have been accumulated shall have been discharged a sum equivalent to the interest of the sinking fund or part of the sinking fund so applied: Provided also that whenever and so long as the yearly income arising from any sinking fund shall be equal to the annual interest of such principal moneys then outstanding and to be paid off by means of such fund 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 by this Act required to be so paid thereto.

Power to borrow under Local Loans Act 1875.

34. The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow and which they have not borrowed and secured in manner herein-before provided under the powers and subject to the provisions of the Local Loans Act 1875 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 in manner by this section authorised for any of the purposes of this Act by the Local Board shall be a charge upon and shall be paid out of the local rate as defined by the Local Loans Act 1875 and also the district fund. Every such loan shall be discharged—

(A) As regards moneys borrowed within five years from the passing of this Act within forty-five years after the expiration of the said five years; and

(B) As regards moneys borrowed after the expiration of five years from the passing of this Act within fifty years after the same shall have been borrowed;

and such discharge or any part thereof shall be effected by means of a sinking fund if the Local Board shall so think fit. Provided always that if the Local Board at any time think fit to form any such sinking fund the first payment to be made into the same need

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not be made until the first day of June next after the expiration of five years from the passing of this Act.

Sinking fund how to be invested.

35. All sums paid into any sinking fund created by the Local Board under the provisions of this Act shall be as soon as may be invested in any manner in which trustees are by law for the time being authorised to invest trust moneys or in any debentures debenture stock or annuity certificates issued under the powers of the Local Loans Act.

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

36. 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 if so required by them showing the amount which has been paid as an instalment or invested for the purpose 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 such clerk shall be liable to a penalty of not exceeding twenty pounds recoverable summarily by the Local Government Board. 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.

Priority of mortgages.

37. Nothing in this Act shall prejudice or affect any mortgages debentures or other securities on the funds or rates of the Local Board existing at the passing of this Act and the same shall have priority over any mortgages debentures or securities on the same funds or rates granted under this Act.

Application of water revenue.

38. The Local Board shall apply the water revenue as follows (that is to say) :—

First. In payment of the costs charges and expenses of and incidental to the collecting and recovering of water revenue and of the borrowing of money under this Act;

Secondly. In payment of the working and establishment expenses and cost of maintenance of the waterworks undertaking;

Thirdly. In payment of the interest on moneys borrowed by the Local Board under the powers of this Act;

Fourthly. In providing the requisite instalments or sinking fund under this Act;

Fifthly. In making such extensions of the water mains and works as they from time to time think requisite or desirable;

Sixthly. In providing a reserve fund if the Local Board think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in such securities as they are for the time being authorised to invest their sinking fund in and accumulating the same at compound interest until the fund so formed shall amount to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Local Board from their waterworks undertaking or to meet any extraordinary claim or demand at any time arising against them in respect thereof and so that if that fund be at any time reduced it may thereafter be again restored to the like sum and so from time to time;

Any surplus revenue remaining after the reserve fund shall have been made up to the prescribed amount for the time being and the income thereof when so made up shall be carried to the credit of the district fund.

Separate accounts.

39. The Local Board shall keep separate accounts of receipts and expenditure in capital and revenue account under this Act.

Audit of accounts.

40. The provisions of the Public Health Act 1875 relating to the audit of accounts shall apply and be observed with respect to the accounts kept under the provisions of this Act.

Deficiency of funds of waterworks.

41. If in any year the amount standing to the credit of the water account and the reserve fund be insufficient for the payment of the charges thereon and the execution of this Act with respect to the waterworks and the water supply the deficiency shall be made up out of the general district rates 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 and in making such rate 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 rates.

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Application of moneys borrowed.

42. All moneys from time to time borrowed under this Act shall be applied by the Local Board only to the following purposes:—

In payment of the costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto;

In the purchase of lands and construction of the waterworks by this Act authorised and laying of mains and pipes and other works necessary for affording a supply of water within the district of the Local Board;

In the exercise of the powers of this Act with respect to the paying off (otherwise than by means of instalments or a sinking fund or out of the proceeds of the sale of surplus lands) of moneys borrowed and of reborrowing;

Provided that the application of any such moneys for the purposes of works not hereby expressly authorised shall be subject to the approval of the Local Government Board.

Proceeds of sale of any surplus lands to be treated as capital.

43. The proceeds of the sale of any surplus lands under the powers of this Act shall be applied towards the extinguishment of any loan borrowed by the Local Board under the powers or for the purposes of this Act.

Contract for supply of water not to disqualify members of Local Board.

44. No person shall be disqualified from being continuing or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a supply of water or other miscellaneous articles or things under this Act or for the sale of any land for the purposes of this Act nor shall any mortgagee of the water rents and rates to be levied under this Act be disqualified as a member of the Local Board by reason of his being a mortgagee.

Authentication of notices.

45. Any summons demand or notice or other such document to be given by the Local Board under this Act may be in writing or print or partly in writing and partly in print and if the same require authentication by the Local Board the signature thereof by the Clerk to the Local Board shall be a sufficient authentication.

Saving rights of Local Board.

46. Except as is by this Act expressly provided this Act or anything therein contained shall not take away lessen or prejudice any of the estates rights powers or privileges of the Local Board.

Expenses of Act.

47. All the costs charges and expenses of and incident and preparatory to the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Local Board.

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