CHAPTER CXV.

An Act to empower the urban district council of Margam to supply gas and to provide for the transfer to the Council of so much of the gas undertaking of the Aberavon Corporation as is situate within the urban district of Margam and to make further and better provision with regard to the improvement health and local government of the district and for other purposes. A.D. 1911.

[18th August 1911.]

WHEREAS the district of Margam in the county of Glamorgan (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Margam Urban District Council (in this Act called "the Council"):

And whereas by the Aberavon Local Board Act 1866 the mayor aldermen and burgesses of the borough of Aberavon (herein-after called "the corporation") were authorised to supply gas throughout the borough of Aberavon and by the Aberavon Order 1884 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1884 the limits for the supply of gas of the corporation were extended to include the hamlets of Hafod-y-Porth and Michaelstone Lower:

And whereas the district which includes the hamlet of Hafod-y-Porth was constituted a Local Government District in the year 1884 after the Aberavon Order 1884 had been made by the Local Government Board:

And whereas since its constitution in 1884 the district has greatly developed owing partly to the construction of the Port Talbot Railway and Docks and the erection of steel works and the population of the district has largely increased and its

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population and rateable value now exceed that of the borough of Aberavon:

And whereas a large portion of the hamlet of Hafod-y-Porth within the limits of supply of the corporation is without a supply of gas and there is no company or person authorised to supply gas throughout the remainder of the district and it is expedient that the supply of gas throughout the whole of the district should be in the hands of the Council and that the Council should be authorised to acquire so much of the gas undertaking of the corporation as is within the district and that they should be authorised to erect new gasworks for the supply of the district and to acquire lands therefor:

And whereas the following adoptive Acts are in force within the district (that is to say) the Infectious Disease (Prevention) Act 1890 the Public Libraries Acts 1892 and 1893 the Private Street Works Act 1892 and Part III. of the Public Health Acts Amendment Act 1890:

And whereas by an order of the Local Government Board dated the fourth day of May one thousand nine hundred and ten Parts II. III. IV. and V. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district subject to the conditions and adaptations specified in the said order:

And whereas estimates have been prepared by the Council for the purchase of land for and for the erection of gasworks and such estimates amount to the sum of twenty-seven thousand five hundred pounds:

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

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

And whereas such resolution was published twice in the said Cambria Daily Leader and has received the approval of the Local Government Board:

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

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

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

And whereas plans showing the lands which may be taken for the purposes of this Act and also a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Glamorgan and are herein respectively referred to as the deposited plans and book of reference:

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):—

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Margam Urban District Council Act 1911.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Transfer of the gasworks undertaking of the Aberavon Corporation within the district.

Part III.—Gasworks and supply of gas.

Part IV.—Streets buildings sewers and drains.

Part V.—Infectious disease and sanitary provisions.

Part VI.—Finance.

Part VII.—Miscellaneous.

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Incorporation of Acts.

3. 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 and form part of this Act (namely):—

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

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) and also as if the words following were added at the end of section 13 of the said Act (that is to say):—

"Provided that every such contract entered into by the Council shall be alike in terms and amount under like circumstances to all consumers"; and

The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof).

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And for the purposes of this Act the following expressions shall also have the following respective meanings (that is to say):—

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

"The district" means the urban district of Margam;

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

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

"The limits of supply" means the limits within which the Council are authorised by this Act to supply gas;

"The gasworks undertaking" means the gasworks undertaking of the Council authorised by this Act;

The expression "the gas undertaking of the corporation" means the portion of the gas undertaking and plant of the corporation within the district and all the rights powers and privileges if any vested in or belonging to

or had or enjoyed by the corporation within the district in relation to the manufacture sale and supply of gas and shall include all mains pipes meters stoves cookers or other apparatus laid or erected or used by and belonging to the corporation within the district at or after the passing of this Act but prior to the date of transfer;

"The date of transfer" means the date at which the gas-works undertaking of the corporation is by this Act transferred to the Council;

"The clerk" "the surveyor" "the medical officer" and "the inspector of nuisances" respectively mean the clerk the surveyor the medical officer of health and inspector of nuisances appointed by the Council in pursuance of the powers of any public Act and "medical officer" includes any person duly authorised to act temporarily as medical officer of health;

"Dairyman" includes any cowkeeper purveyor of milk or occupier of a dairy;

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 applies for the time being within the district;

"Daily penalty" means a penalty for each day on which any offence is continued after conviction thereof;

"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;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing 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

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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;

"Revenues of the Council" includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council:

And the several words and expressions to which by the Public Health Acts meanings are assigned shall in this Act (except where otherwise expressly provided) have the same respective meanings unless there is something in the subject or context repugnant to such construction.

Limits of Act.

5. The limits of this Act for all purposes except where otherwise expressly provided are the district.

PART II.

TRANSFER OF THE GASWORKS UNDERTAKING OF THE ABERAVON CORPORATION WITHIN THE DISTRICT.

Corporation to sell portion of their gas undertaking in district to Council.

6.—(1) The corporation shall sell to the Council and the Council shall purchase from the corporation the gas undertaking of the corporation for such price or consideration (being a sum in gross) and on and subject to such terms and conditions as may be agreed upon between the corporation and the Council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the Council and the expression "lands" shall mean the gas undertaking of the corporation.

(2) Within six months after the passing of this Act the Council shall serve on the corporation notice of their intention to purchase the gas undertaking of the corporation.

(3) The Council shall pay the purchase money to the corporation on such day as may be agreed between the Council and the

corporation or failing agreement on the thirty-first day of March or the thirtieth day of June or the thirtieth day of September or the thirty-first day of December which shall first happen after the expiration of three months from the determination of the amount of the purchase money.

(4) Upon payment of the purchase money hereinbefore in this section provided the gas undertaking of the corporation with its rights powers and privileges shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council and such transfer and vesting are in this Act referred to as "the transfer."

(5) The purchase money when received by the corporation shall be applied by them in the repayment of any outstanding moneys borrowed by the corporation for gasworks purposes or to such gasworks purposes to which capital is properly applicable or in such other manner as may be approved by the Local Government Board.

Copy of Act and receipt for purchase money to be evidence of transfer.

7. The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by the treasurer of the borough of Aberavon or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the gas undertaking of the corporation.

Receipt for purchase money.

8. The receipt in writing of the treasurer of the borough of Aberavon for the purchase money or any part thereof or for any other sum of money to be paid to the corporation by the Council shall effectually discharge the Council from the sum which in any such receipt shall be acknowledged to have been received 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 the Margam Urban District Council Act 1911" 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 treasurer of the borough of Aberavon.

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Council may exercise powers &c. of corporation.

9. From and after the transfer the Council may exercise and enjoy all the rights powers privileges and authorities which were vested in the corporation before such transfer as the same related to the gas undertaking of the corporation or were exerciseable by the corporation within the district and subject as in this section provided all rights powers and obligations of the corporation to supply gas within the district shall cease and determine.

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

10. No action suit prosecution or other proceeding whatsoever commenced and no cause of action suit or arbitration prosecution or proceedings pending or existing either by or against the corporation shall abate or be discontinued or prejudicially affected by reason of the transfer to and vesting in the Council of the gas undertaking of the corporation but the same shall continue and 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 previously to the transfer may be sued for and all offences committed against such provisions previously to the transfer 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 prior to the date of transfer 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.

Corporation to carry on gas undertaking until completion of purchase.

11. Until the date of transfer the gas undertaking of the corporation shall be and continue to be maintained and carried on by the corporation as heretofore in the ordinary course of business but the corporation shall not without the previous consent of the Council under the hand of their clerk enter into any new liability contract or agreement or other obligation in respect of the gas undertaking of the corporation except such as may be in the ordinary course of the proper conduct of business.

Corporation to pay outgoings and

12. The corporation shall bear and pay all outgoings and liabilities of every kind properly chargeable to revenue and shall

receive and retain all gas rates or rents and other payments due to them and shall be entitled to all receipts from their gas undertaking up to the transfer thereof Provided that nothing in this Act shall entitle the corporation to retain for their own benefit so much of any gas rates or rents or other payments paid or payable in advance as shall be attributable to any period after the transfer thereof but such rates rents or other payments shall be apportioned and so much thereof as is attributable to any period after the said transfer shall be paid over by the corporation to the Council.

be entitled to receipts until transfer.

Part III.

Gasworks and Supply of Gas.

13. Subject to the provisions of this Act the Council may enter upon take hold and use the lands and hereditaments shown on the deposited plans and described in the deposited book of reference and thereon numbered 2 and 3 and in addition the Council may for the purposes of their gasworks undertaking purchase take and hold (by agreement but not otherwise) any lands not exceeding in the whole three acres which the Council may from time to time require for the purposes of their gasworks undertaking but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

Power to purchase lands.

14. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

15. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on tbe deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Glamorgan for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace

Correction of errors &c. in deposited plans and book of reference.

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for the county of Glamorgan and a duplicate thereof shall also be deposited with the clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Power to Council to erect and maintain gasworks &c.

16.—(1) Subject to the provisions of this Act the Council may in or upon the lands described in the First Schedule to this Act or any part or parts thereof erect construct maintain and repair and as often as occasion may require enlarge alter improve extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences and may do all such acts as they respectively may think proper for making and storing gas and for the conversion or utilisation and distribution of materials used in and about the manufacture of gas and of residual products resulting from such manufacture and for supplying gas within the limits of this Act and may make store and supply gas accordingly.

(2) The Council may manufacture sell provide and deal in coke coal-tar asphaltum ammoniacal liquor oil and all other refuse or residuary products arising remaining produced by or obtained from the manufacture of gas by them or the materials used therein and may manufacture produce and sell such articles as can be produced from and by means of the several matters and things aforesaid.

As to breaking up and reinstatement of roads in county of Glamorgan.

17.—(1) Section 8 of the Gasworks Clauses Act 1847 (as incorporated with this Act) shall in relation to any main road county bridge or road repairable with a county bridge within the county of Glamorgan have effect as if the word "seven" were substituted for the word "three" in that section.

(2) Whenever the Council in the exercise of their statutory powers shall have opened or broken up any road maintainable by the Glamorgan County Council they shall reinstate and make good such road to the satisfaction of the county council and for that purpose section 10 of the Gasworks Clauses Act 1847 shall have effect as if the reinstatement and making good of the road required by that section included the application of a sufficient

layer of surface metalling of the same specification as that employed by the county council for the particular road and also included the use of a steam roller on the places where the road has been broken up until the surface thereof has been made uniform with the unbroken surface adjoining.

(3) If for the purpose of repairing altering diverting or widening any main road or bridge maintainable by the Glamorgan County Council or of rebuilding any such bridge the county council require any alteration either temporary or permanent in the position or level of any mains pipes or other works of the Council or any temporary support to be given thereto the Council shall at their own expense on receiving notice in writing under the hand of the clerk or surveyor of the county council so to do alter or temporarily support any such works in the manner required by such notice and with all due expedition and if the council shall neglect to do or complete any work or act required by such notice then and in such case the county council may do such work or act completing the same with all reasonable expedition and in a proper and workmanlike manner and causing as little damage or inconvenience to the Council as circumstances admit and the Council shall repay to the county council all proper expenses incurred by the county council in relation to any such work or act.

For protection of Great Western Railway Company.

18. 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 and executing or in effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across or in any way affecting the bridge carrying the road at Ffynnon Cefn-Gwrgau over the railway of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western 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 in writing Provided always that if such principal engineer shall not approve or disapprove any plans or proposals so submitted to him within twenty-eight days after the

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same are delivered or shall refuse or neglect to superintend the work the Council may proceed with the same without the approval of the plans as aforesaid and without the superintendence of the said engineer:

(B) All such works shall be done by and at the expense of the Council except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the road over the said bridge or the approaches thereto so far as the same may be disturbed or interfered with by or owing to any operations of the Council:

(C) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such bridge or approaches and so as to cause no interruption to the passage or conduct of traffic over such railway or at to or from any station thereon:

(D) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any such mains pipes or works on or near to the said bridge the Council shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

(E) The Great Western Company may at any time or times hereafter upon giving to the Council not less than twenty-one days' notice thereof in writing signed by the principal engineer call upon the Council to divert or alter the level of any main pipe or other work of the Council passing over upon across or in any way affecting the said bridge so as to admit of any repairs renewal widening alteration or extension of the said bridge of the Great Western Company which they may think necessary and the Council shall on receipt of such notice carry out the diversion or alteration in all things at the cost of the Council and the Great Western Company shall not be liable to pay any compensation in respect thereof:

(f) Any dispute or difference which may arise between the Great Western Company and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Council or either of them and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Power to supply gas fittings &c. for heating and other purposes.

19.—(1) The Council may sell let for hire fix repair and remove but shall not manufacture engines motors stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

Fittings not to be subject to distress.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked and impressed with a sufficient mark or brand, indicating the Council as the actual owners thereof.

(3) Provided as follows :—

(a) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed) :

(b) Every sum charged by the Council in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Council to the consumer :

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(c) The total sums expended and received by the Council in connexion with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the gasworks undertaking of the Council for that year.

Engines &c. of Council let on hire though fixed to premises to remain property of Council.

20.—(1) All gas engines apparatus fittings and appliances let by the Council on hire under the provisions of this Act shall notwithstanding that they be fixed or fastened to any part of any such premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Council Provided that such gas engines apparatus fittings and appliances have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any gas engines apparatus fittings and appliances are or shall be fixed.

Charges for gas supplied by means of prepayment meters.

21.—(1) The Council may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

(2) The Council shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:

The said charge shall include the providing letting fixing repairing and maintenance of the meters and fittings and the cost of collection and other costs incurred by the Council in connexion with the meters and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

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

22. The Council may upon the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and from time to time take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when so laid so far as they are respectively applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Limits of price.

23. The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed the sum of five shillings per thousand cubic feet of gas.

Pressure.

24. All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing-place or at any public lamp as and when he thinks fit from time to time test the pressure at which the gas is supplied The Council shall afford to the examiner all reasonable facilities for making the test.

Quality of gas.

25. The prescribed number of candles shall not be less than fourteen.

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Testing-place.

26. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing-place shall be a testing-place which shall be provided by the Council on the lands described in the First Schedule to this Act before supplying or within three months after beginning to supply gas under the authority of this Act.

Testing for quality.

27.—(1) The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce at the testing-place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be known as the Metropolitan Argand No. 2 the photometer shall be the bar or table photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Council or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board of Trade to be equally or more suitable for the testing.

(3) The Council shall before supplying or within three months after beginning to supply gas under this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

Saving as to penalties.

28. No penalty shall be incurred by the Council for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by circumstances beyond the control of the Council.

Council may contract with local authority &c. for supply in bulk.

29.—(1) The Council may contract with any local authority company or persons supplying gas under Parliamentary powers in any district adjacent to the Council's limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case

seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond their limits of supply.

(2) The Council may also contract with any local authority company or persons supplying gas under Parliamentary powers for a supply to the Council of gas in bulk and such local authority company or persons shall be empowered to give such supply to the Council.

As to construction and placing of pipes &c. between mains and meters.

30. In order to enable the Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Council's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

(2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Council:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Council's main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council Any officer of the Council duly appointed may between nine o'clock in the

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morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Council refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to refuse supply to persons in debt for other premises.

31. If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas charges and meter rent due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Gas consumers to give notice to Council before removing.

32. At least twenty-four hours' notice in writing shall be given to the Council by every gas consumer before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be contained in every demand note for gas charges payable to the Council.

Notice to discontinue supply of gas.

33. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at the office of or sent by post to the clerk.

Period of error in defective meters.

34. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning

of the said Act such erroneous registration shall be deemed to having first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter and the amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Council.

Council to pay interest on money deposited as security.

35. If any person is required by the Council to give to them security for any supply of gas or the payment of the price or rent of a meter and such security is made by way of deposit the Council shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to lay down and utilise pipes for ancillary purposes.

36. The Council may lay down place repair alter remove and renew mains and pipes within the limits of supply for the purpose of procuring conducting or disposing of any tar or other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable extend and apply to the laying down and placing repairing altering or removing and protection of such mains and pipes.

Anti-fluctuators for gas engines.

37. Every consumer of gas supplied by the Council who uses a gas engine shall if required to do so by the Council use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and in default of his so using or keeping such anti-fluctuator in proper repair the Council may cease to supply gas to such consumer The Council shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Council if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

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Part IV.

Streets Buildings Sewers and Drains.

Council may define future line of streets.

38.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

(2) The Council may and if required so to do by the owner shall purchase the land for the time being unbuilt upon lying between any such lines as aforesaid and the street or road and the same when purchased shall vest in the Council as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Council shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation for all damage loss or injury (if any) sustained by them to such land or building by reason of the Council requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be

fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Continuation of existing streets to be deemed new streets.

39. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street.

No building allowed until street defined.

40.—(1) No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Further provisions as to new streets.

41. When a road or lane within the district becomes in consequence of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Council may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force in the district require such owner to widen such road or lane so as to give a width not less than one-half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the Council shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the byelaws of the Council.

Intersecting streets.

42. No street shall be laid out of more than one hundred and fifty yards in length without an intersecting street at intervals of not more than one hundred and fifty yards in any such street Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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For preventing soil and sand from being washed into streets.

43.—(1) The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried (otherwise than by wind) into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully.

(2) Any person who shall offend against this section shall liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purpose of this section "public street" means a street repairable by the inhabitants at large.

For preventing water flowing on footpath.

44. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of an order of the Council for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

Prevention and removal of projections over streets.

45. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the district extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Council may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Forecourts to be fenced off from streets.

46. Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Council be well and sufficiently fenced off from the footpath or street and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Trees or shrubs overhanging streets and footpaths.

47.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within three clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

Courts to be flagged.

48.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage not being a highway repairable by the inhabitants at large or any part of such court yard or passage shall flag asphalte concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Council require and keep such flagging asphalting concreting or paving and drain in good repair.

(2) If such owner or owners shall for one month after notice in writing from the Council fail in any respect to comply with the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

Means of escape from buildings in case of fire.

49.—(1) Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in

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the case of fire for the persons dwelling or employed therein as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

(3) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Regulation dust-bins.

50. The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide galvanized iron dust-bins in lieu of ashpits or ash-tubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Council and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply to any ashpits or any ash-tubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable size and in proper order and condition.

Provisions as to house without water supply.

51. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

Byelaws as to building materials.

52. The Council may make byelaws with respect to the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fire-places shall be set in new buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act.

Sanitary conveniences for workmen engaged on buildings.

53.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the district shall where practicable provide to the reasonable satis-

faction of the Council and until the completion of any such work or operation sufficient water or other closets and urinals for the use of workmen engaged in or upon any such building. A.D. 1911.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Provision as to separate system of sewerage.

54.—(1) The Council may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this section called a "surface water sewer").

(2) Where under the provisions of any Acts for the time being in force in the district the Council have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts shall apply to such sewers accordingly Provided that the provisions of this subsection shall not be exercised unless and until the Council shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface water sewers.

(3)—(*a*) Where in any street separate sewage sewers and surface water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Council:

(*b*) Any persons who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

(*c*) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such premises until the Council have at their own expense

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made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Council may if they think fit make all such alterations.

Council may require enlarged sewer.

55. If in any street not repairable by the inhabitants at large the Council shall for the purpose of main drainage or otherwise require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

56. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Council may order houses to be drained by a combined drain.

57.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of a sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Council except with the consent of the owner or owners of the said house.

Council may make communications between drains and sewers.

58. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

Pipes from slopstones to be disconnected from sewers.

59.—(1) Every pipe from any slopstone bath or basin in a building shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gulley grating at a suitable distance and every gulley grating or other inlet to the drains shall be properly trapped.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with a notice from the Council requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(3) Provided that this section shall only apply to buildings existing at the passing of this Act and that any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Council.

Soil-pipes to be ventilated.

60.—(1) The soil-pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or subject to the provisions of section 37 of the Public Health Acts Amendment Act 1907 by such other method as the Council shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of one month after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on occupiers refusing execution of Act.

61. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under this Part of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of

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summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Saving for railway companies.

62. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament.

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Compensation to dairymen.

63. If any dairyman shall at the request of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

Compensation to persons ceasing employment.

64. If any person shall at the request of the Council or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

Council may supply antidotes against infectious disease.

65. The Council may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Information to be furnished to medical officer and penalty for

66.—(1) The occupier of any building in the district which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness

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furnishing false information.

of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

For regulating manufacture and sale of ice cream &c.

67.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who within the district—

(*a*) Causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(*b*) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(*c*) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Council shall compensate the owner of the ice cream commodity or materials so destroyed.

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

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Inspection of premises of dealers in ice cream.

68.—(1) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Council would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

Improper construction or repair of watercloset or drain.

69. If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a fine not exceeding twenty pounds. Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Wilful damage to drains and sanitary apparatus.

70.—(1) If any person causes any drain watercloset earth closet privy ashpit or dustbin to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds.

(2) Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

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Notice of intention to repair drains.

71.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council or the medical officer twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving reasonable notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the inspector of nuisances or any officer of the Council authorised in writing by the medical officer for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Public notice to be given of provisions of this Part of Act.

72.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the Council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

Expenses of this Part of Act.

73. Any expenses of the execution by the Council of this Part of this Act shall be defrayed out of the district fund and general district rate.

PART VI.

FINANCE.

Power to borrow.

74.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(A) For the purchase of the gas undertaking of the corporation and for defraying the costs and expenses incident to such purchase and to the transfer thereof to the Council (other than the costs of this Act) such sums as may be necessary;

(B) For and in relation to the purchase of land for and for the erection of gasworks the sum of twenty-seven thousand five hundred pounds;

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(C) For working capital the sum of one thousand pounds;

(D) For the extension and improvement of the gasworks undertaking of the Council such sums as the Local Government Board may sanction;

(E) For paying the costs and expenses of this Act the sum requisite for that purpose;

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or otherwise in relation to their gasworks undertaking.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of the gasworks undertaking and if they think fit as a collateral security the district fund and general district rate of the district.

Section 234 of Public Health Act not to apply.

75. The powers of borrowing money by this Act given 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 Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Method of raising money.

76. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions of Public Health Act as to mortgages to apply.

77. The following sections of the Public Health Act 1875 shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") 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).

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Periods for repayment of money borrowed.

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

As to moneys borrowed for the purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within thirty years from the date or dates of the borrowing of the same:

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

As to moneys borrowed for the purpose (C) in the said section mentioned within ten years from the date or dates of the borrowing of the same:

As to moneys borrowed for the purpose (E) in the said section mentioned within five years from the date of the passing of this Act:

As to moneys borrowed with the approval of the Local Government Board within such period not exceeding sixty years as that Board may think fit to sanction.

Method of payment off of money borrowed.

79. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking fund.

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

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumu-

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lations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council:

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

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(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that when it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

Power to invest all sinking funds in statutory securities.

81. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to

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form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to use one form of mortgage for all purposes.

82.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

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(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to use sinking fund

83.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may

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instead of borrowing.

instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(*a*) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(*b*) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(*a*) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund;

(*b*) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(*c*) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly,

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Protection of lender from inquiry.

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

Council not to regard trusts.

85. The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest thereon not entered in their register.

Power to re-borrow.

86.—(1) The Council shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purpose of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying

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any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

(C) Out of moneys derived from the sale of land; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Return to Local Government Board as to repayment of debt.

87.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Application of money borrowed.

88. Moneys borrowed or raised by the Council under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

Proceeds of sale of surplus lands.

89. The proceeds of the sale of any lands or other property of the Council under the powers of this Act and the fines and premiums on any leases granted by the Council under this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such sums shall not be re-borrowed.

Council to keep separate accounts of gas undertaking.

90. The Council shall keep separate accounts of their receipts and expenditure for gasworks purposes on capital and revenue account.

Application of revenue of gasworks undertaking.

91. The Council shall apply all moneys received by them in respect of their gasworks undertaking except money borrowed

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and money received from the sale of lands or other moneys received on capital account as follows (that is to say):—

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

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

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

Fourthly In extending improving and constructing (if the Council think fit) any works for the purposes of the gasworks 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 one-fifth of the aggregate capital expenditure for the time being upon the gasworks undertaking of the Council which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the gasworks undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the gasworks undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed limit 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 full amount of one-fifth of the said aggregate capital expenditure:

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of the gasworks undertaking (including the interest on the reserve fund when such fund amounts to one-fifth of the said aggregate capital expenditure) as may in the opinion of the Council not be required for carrying on improving or extending the gasworks undertaking and paying the current expenses connected therewith.

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As to deficiency in receipts.

92. Any deficiency in the revenues or receipts of the Council on account of their gasworks undertaking shall be made good out of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Scheme for fixed equated periods.

93.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform 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 within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and 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.

(3) 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 on which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums 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 may sanction.

(4) 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.

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PART VII.

MISCELLANEOUS.

Dwelling-houses for persons in employ of Council.

94. The Council may purchase or take on lease and may erect fit up maintain and let upon the lands for the time being belonging to or leased by them for the purposes of their gas-works undertaking dwelling-houses for persons employed by them for the purposes of that undertaking.

Power to hold licences under letters patent.

95. The Council may take hold and use patent rights and licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture of gas or of the residual products hereinbefore mentioned.

Audit of accounts.

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

Power to sell &c. lands.

97. The Council may sell lease and dispose of any lands acquired by or vested in them under this Act (including the lands described in the First Schedule to this Act) and not for the time being required for the purposes thereof.

Power to grant gratuities in certain cases.

98.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

In executing works for owner Council not liable for damages save in case of negligence.

99. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Council or any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid

shall be deemed to be part of the expenses payable by such owner or occupier and shall be recoverable accordingly.

Informations by whom to be laid.

100. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Evidence of appointments authority &c.

101. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or of any resolution order or report of any committee of the Council a certificate of such appointment authority or resolution order or report purporting to be authenticated by the signature of the chairman of the Council or the clerk shall be primâ facie evidence of such appointment authority or resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to appeal.

102. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer or valuer of the Council or by any conviction or order by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Authentication and service of notices &c.

103.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the

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district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Recovery of penalties &c.

104. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

105. Proceedings for the recovery of any demand made under the authority of 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.

Power to Local Government Board to direct inquiries.

106.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Differences with road authorities or railway or other companies.

107. If any difference arise between the Council and any road authority or railway canal or other company whose lands or works the Council have power to cross under the authority of this Act as to the mode of laying down repairing altering or

enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Damages and charges to be settled by justices.

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

Penalties to be paid over to treasurer.

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

Compensation &c. how to be determined.

110. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Saving for indictments &c.

111. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Judges &c. not disqualified.

112. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Powers of Act cumulative.

113. All the powers rights and remedies given to the Council by this Act (except where otherwise expressly provided) shall be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such

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other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown rights.

114. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Expenses of Act.

115. The costs charges and expenses preliminary to and of and incidental to obtaining this Act or otherwise in relation thereto shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council in the first instance out of the district fund and general district rate and ultimately may be paid out of moneys borrowed by the Council for that purpose under the authority of this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1911.

FIRST SCHEDULE.

All those pieces or parcels of land containing together one acre three roods or thereabouts and divided by Lady Charlotte Road situate in the parish and urban district of Margam forming part of the enclosure numbered 1200 on the $\frac{1}{2500}$ Ordnance Map Glamorganshire sheet XXXIII-2 (2nd edition 1899) bounded on the north-west by the Port Talbot Railway Dock Branch on the west by the tramway leading from Taibach to the Morfa Colliery and on the east south and south-east by the remaining portion of the said enclosure.

SECOND SCHEDULE.

Form of Mortgage.

By virtue of the Margam Urban District Council Act 1911 and of other their powers in that behalf them enabling the Margam Urban District Council (herein-after called "the Council") in consideration of the sum of pounds paid to the treasurer of the Council by (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of pounds shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the day of and the day of in each year]

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And it is hereby agreed that the said principal sum of pounds shall be repaid at the office of the Council in the said district [(subject as herein-after provided) on the day of one thousand nine hundred and] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of one thousand nine hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and [and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of one thousand nine hundred and .

FORM OF TRANSFER OF MORTGAGE.

I [the within named] [of] in consideration of the sum of pounds paid to me by of (herein-after called "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the Margam Urban District Council bearing date the day of]

and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions. A.D. 1911.

Dated this day of one thousand nine hundred and

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