CHAPTER lxxv.

An Act to empower the urban district council of Mynyddislwyn to acquire lands for an arterial road to make further provision in regard to the electricity and gas undertakings of the Council and to the health good government and finances of their district to incorporate the West Monmouthshire Omnibus Board and to empower the Board to provide and run omnibuses and for other purposes. A.D. 1926.

[4th August 1926.]

WHEREAS the urban district of Mynyddislwyn in the county of Monmouth is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Mynyddislwyn which district and council are hereinafter respectively called "the district" and "the Council":

And whereas the Council are constructing a road between Cwmfelinfach and Pontllanfraith which is to form part of an arterial road through the Sirhowy Valley and it is expedient to authorise the Council for the purpose of the construction of that road to acquire the lands in this Act mentioned:

And whereas by the Mynyddislwyn Urban District Council Act 1913 as amended by the Mynyddislwyn Gas (Charges) Order 1922 the Council are empowered to supply gas within the district except the portion known

A.D. 1926. as the Fleur-de-Lys Ward and by the Mynyddislwyn Electricity Special Order 1921 they are empowered to supply electricity within the whole of the district and it is expedient to enact further provisions and to confer further powers on the Council with respect to their gas and electricity undertakings as by this Act provided:

And whereas it is expedient that further and better provision be made with reference to sanitary matters in and for the good government and health of the district and with respect to the finances of the Council and that the other provisions of this Act be enacted:

And whereas it is expedient to constitute and incorporate a board as by this Act provided representing the Council and the Bedwellty Urban District Council and to authorise the Board to provide and run omnibuses and exercise the other powers by this Act conferred on them:

And whereas estimates have been prepared by the Council and the Bedwellty Urban District Council for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For the provision and equipment of omnibuses - - - - -	20,000
For the purchase of lands for the purpose of the said board's undertaking -	1,000
For laying out those lands for garages and buildings - - - - -	1,000
For the provision of garages and buildings	2,500

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

And whereas plans of the lands intended to be taken compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of Monmouth

and are in this Act 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 Mynyddislwyn Urban District Council Act 1926.

Act divided into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Electricity.
Part IV.—Gas.
Part V.—Sanitary provisions.
Part VI.—Finance.
Part VII.—Miscellaneous.
Part VIII.—West Monmouthshire Omnibus Board.
Part IX.—Costs of Act.

Interpretation.

3.—(1) In this Act except as otherwise expressly provided in Part VIII. the several words and expressions to which meanings are assigned by the Lands Clauses Acts the Public Health Act 1875 or the Act of 1913 have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

"The Act of 1913" means the Mynyddislwyn Urban District Council Act 1913;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

"The new road" means the road in course of construction by the Council between Cwmfelinfach and Pontllanfraith;

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"The electricity undertaking" and "the gas undertaking" respectively mean the electricity undertaking and the gas undertaking of the Council as from time to time authorised;

"The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

"The Minister" means in Parts V. and VI. of this Act the Minister of Health;

"Telegraphic line" has the same meaning as in the Telegraph Act 1878;

"Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction.

(2) The respective expressions "the clerk" "the surveyor" and "the treasurer" where used in the Act of 1913 or this Act except in Part VIII. shall respectively include any person duly appointed by the Council to discharge temporarily the duties of any such officer.

Inquiries by Minister of Health.

4.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) Any expenses incurred by the Minister of Health 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 the Minister not exceeding five guineas a day for the services of such inspector shall be paid by the Council if the inquiry is for any purpose not being a purpose of Part VIII. of this Act and by the West Monmouthshire Omnibus Board by this Act established if the inquiry is for a purpose of the said Part VIII.

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Inquiries by Minister of Transport.

5. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

PART II.

LANDS.

Incorporation of Lands Clauses Acts.

6. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) are so far as applicable for the purposes and not inconsistent with the provisions of this Part of this Act incorporated with and form part of this Part of this Act.

Power to acquire lands.

7. The Council may in so far as they are not already possessed of the same enter upon take and use for the purpose of the construction of the new road the following lands in the district shown on the deposited plans and described in the deposited book of reference (namely) :—

A plot of land between the Sirhowy river and the site of the old Penllwyn tramroad with the cottages thereon known as Myrtle Cottages and outbuildings being the properties numbered respectively 5 and 6 on the deposited plans.

Period for compulsory purchase of lands.

8. The powers of the Council for the compulsory purchase of lands for the purposes of this Part of this Act shall cease after the thirty-first day of December nineteen hundred and twenty-nine.

Sections of Act of 1913 to apply.

9. The following sections of the Act of 1913 shall so far as the same are applicable extend and apply to and with respect to any lands authorised to be acquired under this Part of this Act and to the Council in respect thereof in as full and complete a manner

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as if the said sections were re-enacted in this Part of this Act with reference thereto (that is to say) :—

Section 12 (As to private rights of way over lands taken compulsorily);

Section 13 (Correction of errors in deposited plans and book of reference);

Section 16 (Costs of arbitration &c. in certain cases);

Section 19 (Persons under disability may grant easements &c.);

Section 105 (Power to retain sell &c. lands).

Compensation limited in certain cases.

10. In settling any question of disputed purchase money or compensation for lands acquired by the Council under this Part of this Act the tribunal shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the fifteenth day of November nineteen hundred and twenty-five if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Council of such lands.

For protection of Western Valleys (Mon.) Sewerage Board.

11. For the protection of the Western Valleys (Mon.) Sewerage Board (in this section referred to as "the board") the following provisions shall (unless otherwise agreed between the board and the Council) have effect :—

(1) In constructing the new road across the board's main sewer near Ynysddu the Council shall take all necessary and proper precautions to prevent any interference with the discharge of sewage through the board's main;

(2) Before commencing any work in connection with the new road within ten yards of the board's main the Council shall deliver to the board a plan and section of the works proposed

to be constructed within such distance and the board shall be entitled to superintend the construction of such works and the Council shall conform with all reasonable requirements which may be made by the board's engineer for supporting and protecting from injury the board's main and for securing access thereto :

(3) All additional costs charges and expenses necessarily incurred by the board or their engineer in relation to any superintendence or watching by the board or their engineer of the works of the Council within the said distance connected with the new road shall be paid by the Council to the board on demand :

(4) The Council shall make good all damage caused by them to the board's main in the construction of the new road within the said distance except so far as such damage is due to complying with any requirements made by the board under subsection (2) of this section and the Council shall indemnify and compensate the board in respect of all damage or loss which they may sustain by reason or in consequence of any interruption whatsoever to the board's mains :

(5) If any difference shall arise between the board and the Council touching this section or anything to be done or not to be done or any moneys to be paid thereunder such difference shall be determined by an arbitrator to be agreed between the board and the Council or failing such agreement to be appointed by the Minister of Health and subject thereto the Arbitration Act 1889 shall apply to the reference.

PART III.

ELECTRICITY.

As to maximum power which may be demanded.

12.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Council shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless the consumer shall pay to the Council such

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minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Council in order to meet the possible maximum demand for his premises The sum to be so paid shall be determined (in default of agreement) by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Discounts for prompt payments.

13. The Council may if they think fit make an allowance by way of discount not exceeding the rate of five per centum on all sums of money due to the Council for the supply of electricity from any person who pays the same within such time after the demand thereof as the Council think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Council shall allow such discount) be endorsed on every demand note in respect of such charges Provided that the Council shall make the same allowance to all consumers under similar conditions.

Use for lighting purposes of electricity supplied for power.

14.—(1) No consumer to whom electricity is supplied by the Council for power purposes shall without the consent in writing of the Council use such electricity for lighting purposes or suffer it to be so used.

Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Council through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for power purposes shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Council at such higher rate as they may be for the time being charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for power purposes within one year previous to the date when the Council shall sue for any penalty as aforesaid.

Any court having jurisdiction to impose such penalty may and shall on the application of the Council

decide the amount of such electricity in respect of which the higher charge as aforesaid shall be payable to the Council.

(2) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person to whom the Council have reasonable grounds for believing to be acting contrary to the provisions of this section.

Sale of electrical apparatus let on hire.

15. If any owner or occupier of premises who has hired from the Council any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Council may (notwithstanding anything in the Electricity (Supply) Acts 1882 to 1922) sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Council.

Provisions as to supply of electricity by agreement.

16.—(1) If any consumer of electricity supplied by the Council under the terms of any agreement uses the electricity supplied to him by the Council in any manner contrary to the terms of that agreement the Council may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of the agreement Provided that before discontinuing any such supply the Council shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of the agreement.

(2) A consumer supplied with electricity by the Council under the terms of any agreement shall be deemed to be a person to whom the Council may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Council under such agreement unless the provisions of that section are expressly excluded from application in the agreement and if the Council fail to supply electricity to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure

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unless the same is caused by or in consequence of the wilful neglect or default of the Council:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Period of error in defective meters.

17. In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

Entry upon premises Penalty for obstruction.

18.—(1) Any person who shall hinder an officer appointed by the Council from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or of that section as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in those sections shall be liable to a penalty not exceeding five pounds.

(2) Where any premises which the Council are entitled to enter in pursuance of the said sections or either of them are unoccupied the Council may after giving not less than forty-eight hours' notice to the owner thereof or (if he is unknown to the Council and if he cannot be ascertained by them after diligent inquiry) after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

Notice to discontinue supply of electricity.

19.—(1) A notice to the Council from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at the office of or sent by post to the Council or be given by the consumer personally at the office of the Council.

(2) Notice of the effect of this section shall be endorsed upon any demand note for charges for electricity.

20. Any expenses reasonably incurred by the Council in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Council in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

Power to recover charge for re-connection.

PART IV.

GAS.

21. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Council is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the gas limits for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Council (notwithstanding anything contained in any other enactment) shall not be obliged to give for any purpose other than lighting or domestic use—

Relief from obligation to supply.

(*a*) a new supply of gas for the premises of any person demanding such supply at any time after the date of this Act; or

(*b*) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas)

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Council Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Council—

(i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Council may reasonably require; or

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(ii) to make such payment or payments to the Council (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Council may reasonably require

(according as the Council may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Council in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Council may reasonably demand Provided also that if any question shall arise under the provisions of this section between the Council and the applicant as to the sufficiency of the distribution works of the Council or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Council or as to the nature or amount of the security demanded by the Council such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Council and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say) :—

(*a*) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Council may be called upon to supply gas to the applicant;

(*b*) the capital expenditure which the Council would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and

(*c*) how far such capital expenditure may become unproductive to the Council in the event of the cesser of the new or increased supply :

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

Supply of gas where consumer has a separate supply.

22. Notwithstanding anything in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Council a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed to pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Minimum charge for prepayment meter supplies.

23. Notwithstanding anything in section 27 (Charge for gas supplied by means of pre-payment meters) of the Act of 1913 as amended by the Mynyddislwyn Gas (Charges) Order 1922 (S.R. & O. 1922 No. 219) the Council may charge for gas supplied through a pre-payment meter a minimum charge in each quarter (including therein the charges for the hire of any pre-payment meter and fittings authorised by the said section 27 as so amended) not exceeding five shillings.

The Council shall give notice of the effect of the foregoing provisions of this section—

(*a*) to every person who at the date of the passing of this Act is being supplied with gas by the Council through a prepayment meter before the first usual quarter day after the passing of this Act; and

(*b*) to any person to whom after the passing of this Act the Council commence to supply gas through a prepayment meter before the prepayment meter is fixed on the consumer's premises;

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and shall endorse on or attach to every receipt given to a consumer of gas supplied through a prepayment meter for money taken from his meter a statement of the minimum charge authorised by this section.

Occupier to pay expenses of re-connecting disconnected supply.

24. In any case in which in consequence of any default on the part of the occupier of any premises the Council shall have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Council the expenses of re-connecting the supply and the Council shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

Anti-fluctuators to be used with gas engines.

25.—(1) The Council may by notice in writing require a consumer of gas supplied by the Council and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Council may cease to supply him with gas.

(3) The Council may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Council and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Council if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means an apparatus for the purpose of controlling and regulating the supply of gas to any

engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine. A.D. 1926.

(5) Section 50 (Power to require use of anti-fluctuators for gas engines) of the Act of 1913 is hereby repealed.

Provision of valve where high-pressure air is used.

26.—(1) Every consumer of gas supplied by the Council who uses for or in connection with the consumption of such gas air at high-pressure or any gas not supplied by the Company (in this section referred to as "high-pressure air or other gas") shall if required to do so by the Council provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such high-pressure air or other gas into the service pipe or any main through which gas is supplied by the Council and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

(2) It shall not be lawful for any consumer at any time after the passing of this Act to commence to use high-pressure air or other gas unless and until he shall have given to the Council not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every consumer who at the date of the receipt by him of any such demand note as is referred to in paragraph (*a*) of subsection (5) of this section is using high-pressure air or other gas shall within one month after that date give to the Council notice in writing of such use and if within one month after the giving of such notice the Council require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement or obligation under this section the Council may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

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(5) The Council shall give notice of the effect of the foregoing provisions of this section :—

(*a*) (in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Council) on the demand notes for gas charges payable to the Council issued next after that date; and

(*b*) (in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Council) on the first of such demand notes delivered to such person after he shall have become a consumer.

(6) The Council shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or other gas is used or the Council have reason to believe that high-pressure air or other gas is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Council shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Council if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

Power to require users of internal combustion engines to provide silencers.

27.—(1) Every consumer of gas whether supplied by the Council or from any other source and every other person who uses a stationary or fixed internal combustion engine shall provide and use effective means to silence the exhaust gases of such engine and shall at all times at his own expense keep the same in proper repair and in default of his so providing using or keeping the same in proper repair the Council may if gas is supplied by them cease to supply gas to such consumer The Council shall have access to and be at liberty to inspect and test at all reasonable times any means of silencing so provided (except in the case of any stationary internal combustion engines belonging to any railway company and used by them for the purposes of their railway undertaking) such inspecting and testing to be done at

the expense of the Council if the means of silencing be found in proper order but otherwise at the expense of the consumer or other person aforesaid.

(2) Any person neglecting to carry out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

As to mode of cutting off supplies.

28.—(1) In any case in which the Council are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Council without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Council) and any person who shall re-connect such service pipe with the meter without the consent of the Council shall be deemed to commit an offence within the meaning of section 18 (Penalty for fraudulently using the gas of the undertakers) of the Gasworks Clauses Act 1847 :

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 (Undertakers to furnish sufficient supply of gas to owners and occupiers within the limits of the special Act) of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Council subject to the provisions of section 22 (Power to remove meter and fittings) of the Gasworks Clauses Act 1871 shall have and may exercise the like powers of entry as are exerciseable under that section.

Council may contract for supply in bulk.

29.—(1) The Council may contract with any local authority company or persons beyond the gas limits for the supply by the Council to them or for the supply to the Council by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond the gas limits Provided that the Council shall not supply gas under any such contract beyond the gas limits if and so long as such

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supply would interfere with the supply of gas within the gas limits.

(2) Section 52 (Council may contract with local authority for supply in bulk) of the Act of 1913 is hereby repealed.

PART V.

SANITARY PROVISIONS.

Larders to be provided.

30.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) (*a*) Any owner aggrieved by any requirement of the Council under subsection (2) of this section may appeal to a court of summary jurisdiction within seven days after the service of such notice.

(*b*) Notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the clerk.

(*c*) The court may make such order in the matter as they consider reasonable and may award costs to be recoverable as a civil debt.

(*d*) Notice of the right of appeal shall be endorsed on any notice of the Council communicating their requirement.

(4) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Council under this section he may apply to the county court and there-

upon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances. A.D. 1926.

As to houses without water supply.

31.—(1) The owner of any dwelling-house which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings unless either (*a*) the dwelling-house was erected before the passing of this Act or (*b*) the means of affording such a supply of water are not available and cannot be made available at a reasonable cost.

(2) Nothing in this section shall affect the application of section 78 (Provisions as to houses without water supply) of the Act of 1913.

As to filthy premises.

32.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf may enter such dwelling-house or premises and inspect the same and if the Council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 of the Summary Jurisdiction Act 1879.

(2) Any expenses incurred by the Council under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

Registration of premises used for manufacture &c. of potted meats.

33.—(1) Any premises used or proposed to be used for the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Council from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

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

(3) This section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given nor in any way affect the operation of that Act.

(4) This section shall not apply to any premises used as a hotel restaurant or club.

Rag and bone dealers not to sell clothes.

34. Section 73 of the Public Health Act 1925 shall within the district extend and apply to any article of clothing in like manner as that section applies to any article of food and accordingly the said section shall within the district have effect as if the words "or clothing" were inserted in subsection (1) thereof after the words "article of food."

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

35.—(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 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 advertisement shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate signed by an officer or servant of the Council that the notice required by this section has been affixed outside the Council offices and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

Byelaws as to food.

36.—(1) The Council may make byelaws for promoting sanitary and cleanly conditions in the manufacture preparation storage transport sale or exposure for sale of any article intended to be sold for the food of man.

(2) The word "food" in this section has the same meaning as in section 72 of the Public Health Act 1925.

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(3) Before making any such byelaws the Council shall give not less than one month's notice to the Lower Western Valleys Retail Meat Traders' Association of the Council's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Council shall confer with the said association thereon before they submit the same to the Minister for confirmation and such association shall be entitled to make representations to the Minister with regard thereto.

(4) Before confirming any byelaws made under this section as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts 1901 to 1920 apply the Minister shall consult the Secretary of State.

(5) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the storage or transport by a railway company at to or from any station or depot of such company of any article intended for the food of man the Council shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister with regard thereto.

Power to prohibit persons in infectious state of tuberculosis from handling &c. food.

37.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed in the cooking preparation or handling of food (other than milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply) intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to public health the Council may request such person to stop his employment and on such request being made the Council may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person shall fail to comply with such request the Council may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such

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an order if after consideration of all the circumstances it thinks fit to do so and to direct that such compensation as it deems equitable shall be paid by the Council to the person.

(3) If such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Power to close Sunday schools and exclude children from entertainments.

38.—(1) If the Council or any committee of the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

(3) In this section the expression "infectious disease" means any infectious disease named in section 6 of the Infectious Disease (Notification) Act 1889 and includes measles German measles whooping cough chicken pox and influenza the expression "Sunday school" means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday and the expression "child" means a person under the age of fourteen.

Prohibition of tents vans &c.

39.—(1) No tent van railway carriage shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the district without the previous approval of the Council but this subsection shall not apply to a tent van railway carriage shed or structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months.

(2) (*a*) Any person aggrieved by the withholding by the Council of their approval of any land for the purposes mentioned in subsection (1) of this section may within

twenty-one days from the date of the decision of the Council appeal to a court of summary jurisdiction.

(*b*) Notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the clerk.

(*c*) The court may make such order in the matter as they consider reasonable and may award costs to be recoverable as a civil debt.

(*d*) Notice of the right of appeal shall be endorsed on any notice of the Council communicating their decision that an approval shall not be given.

(3) It shall not be lawful for any person to let or use any land situate within the district for occupation by any tent van railway carriage shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads sewers and drains and furnished with a separate supply of water to the satisfaction of the Council.

(4) This section shall not apply to any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stall-holder not being a pedlar or hawker.

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

PART VI.

FINANCE.

Power to borrow.

40.—(1) The Council may independently of any other borrowing power borrow at interest the sum requisite for paying the costs charges and expenses payable by the Council under the final section of this Act and they shall pay off all moneys so borrowed within the period of five years from the passing of this Act.

(2) The Council may also with the consent of the Minister borrow such further money as may be necessary for any of the purposes of this Act other than the purposes of Part VIII. of this Act Any moneys so borrowed shall be repaid within such period as may be prescribed by the Minister.

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(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

Application of money borrowed.

41. All moneys borrowed by the Council under the powers of this Part of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Application of financial provisions of Act of 1913.

42. Subject to the provisions of this Act the following sections of the Act of 1913 shall apply to the borrowing and repayment of money under this Part of this Act as if the same were re-enacted in this Act (namely) :—

Section 83 (Certain provisions of Public Health Act not to apply);
Section 84 (Mode of raising money);
Section 85 (Provisions as to mortgages);
Section 86 (Appointment of receiver);
Section 87 (Protection of lenders from inquiry);
Section 89 (Mode of payment off of money borrowed).

Receipt in case of persons not sui juris.

43. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Interest on securities held jointly.

44. Where more persons than one are registered as joint holders of any mortgage stock or other security of the Council any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council or the clerk.

Sinking fund.

45.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed after the passing of this Act by virtue of any statutory borrowing power such sinking fund shall be formed and maintained by payment to the fund throughout the period prescribed for the repayment of the moneys so borrowed (hereinafter referred to as "the prescribed period") of either—

(*a*) Such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so

formed is hereinafter called a non-accumulating sinking fund; or

(*b*) (i) Such equal annual sums as will with accumulations at a rate not exceeding three-and-a-half per centum per annum or such higher rate as the Minister may from time to time approve be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed; and

(ii) Such annual sums as are equivalent to interest on the amount which should from time to time be standing to the credit of the fund at the rate per centum per annum on which the annual payments to the fund under paragraph (i) hereof are based.

A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund shall (subject to the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds") unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the Council being at liberty from time to time to vary and transpose such investments.

(3) All interest on the investments of a sinking fund shall be carried by the Council to the credit of the district 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) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this section shall be paid by the Council in addition to the payments provided for by this section.

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(6) 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 section together with the probable accumulations thereon (if an accumulating sinking fund) will 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 and if it appears to the Minister that any such increase is necessary the Council shall increase the payments to such extent as the Minister may direct.

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

(8) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this section together with the probable accumulations thereon (if an accumulating sinking fund) will in the opinion of the Minister 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 the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(9) If the amount in any sinking fund at any time together with the probable accumulations thereon (if an accumulating sinking fund) will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with consent of the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

(10) 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 or purposes as the Council with the consent of the Minister may determine.

(11) The foregoing provisions of this section shall also apply with respect to any sinking fund formed by the Council for the repayment of any moneys borrowed before

the passing of this Act under any statutory borrowing power and the Council shall make such adjustments of any existing sinking fund and of their books and accounts relating thereto as the Minister may sanction or require.

(12) Section 90 (Sinking fund) of the Act of 1913 is hereby repealed and the reference to that section in section 84 (Mode of raising money) of the Act of 1913 shall be construed as a reference to this section.

Return to Minister of Health with respect to repayment of debt.

46.—(1) The clerk shall if and when he is requested by the Minister so to do send to the Minister a return showing the provision made for the repayment of any loans raised by the Council under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Council and shall be sent within one month after the making of the request 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 the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid 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 any enactment relating to the statutory borrowing power or by the Minister 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 Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order

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shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Section 97 (Return respecting sinking fund to Local Government Board) of the Act of 1913 and every other provision of any enactment now in force in the district requiring an annual return to be made to the Minister with regard to the repayment of debt are hereby repealed.

Use of moneys forming part of sinking and other funds.

47.—(1) Notwithstanding anything in any previous enactment the Council may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve fund (in this section referred to as " the lending fund ") subject to the following conditions :—

(*a*) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

(*b*) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power Such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power and when paid to

the lending fund shall be dealt with in like manner as interest on an investment of that fund;

(*c*) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

(2) Section 92 (Power to use sinking fund instead of borrowing) of the Act of 1913 is hereby repealed.

Gas and electricity revenue and expenses.

48. As from the first day of April nineteen hundred and twenty-seven all money received by the Council on account of the revenue of their gas undertaking and electricity undertaking (including the interest on any reserve fund by the Act of 1913 or this Act authorised in connection with either undertaking when such fund amounts to the prescribed maximum) shall be carried to and shall form part of the district fund and all payments and expenses made and incurred in respect of either undertaking shall be paid out of that fund.

Accounts of gas and electricity undertakings.

49.—(1) As from the first day of April nineteen hundred and twenty-seven the Council shall keep their accounts in respect of their gas undertaking and electricity undertaking so as to distinguish capital from revenue and as to revenue to show under a separate heading or division on the one side all receipts in respect of the undertaking (including the interest on any reserve fund authorised in connection therewith when such fund amounts to the prescribed maximum) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as to show the amounts expended or set aside in respect of each of the following purposes (that is to say):—

(*a*) The payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Council consequent upon any proceeding by or against the Council their officers or servants in relation to the undertaking;

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(*b*) The payment of the interest on money borrowed and applied by the Council for the purposes of the undertaking;

(*c*) The provision of the requisite appropriations instalments or sinking fund payments in respect of money borrowed and applied for the purposes of the undertaking;

(*d*) The provision of a reserve fund which the Council are hereby authorised to form and maintain in respect of the undertaking by setting aside such an amount (not exceeding in any one financial year a sum of money equivalent to one-half per centum upon the total capital expenditure by the Council upon the undertaking as at the termination of the immediately preceding financial year) as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equivalent to one-tenth of the aggregate capital expenditure for the time being by the Council upon the undertaking:

(2) Any reserve fund formed for the purposes of the undertaking and in existence at the thirty-first day of March nineteen hundred and twenty-seven shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works comprised in the undertaking or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens:

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

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Accounts to show all items.

50. The Council shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

Apportionment between separate accounts.

51. In all cases in which the Council keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to either of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Proceeds of sale of surplus lands.

52. The Council shall apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister.

Part VII.

Miscellaneous.

Council may refuse to supply gas or electricity in certain cases.

53. The Council may refuse to supply gas or electricity to any person whose payments for the supply of either gas or electricity or meter rent in respect of the supply of gas or electricity are for the time being in arrear whether any such payments be due to the Council in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Electricity and gas accounts may be collected with general district rate.

54. Any electricity account or gas account payable to the Council may be collected together with the general district rate and the same books may be used for the said accounts and rate.

As to erection of retaining walls.

55.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Council plans sections and specifications thereof and no such wall

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shall be erected except in accordance with such plans sections and specifications as approved by the Council.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section and any owner who after erection of a wall to which subsection (1) of this section applies shall after reasonable notice in writing from the Council requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Council be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to repair of private drains.

56. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Council it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine Provided that where such expenses do not exceed twenty shillings the Council may remit the payment of the same by the owner or owners if they think fit.

For protection of railway companies.

57. Nothing in either of the two preceding sections of this Act shall apply to any retaining wall or drain situate upon premises belonging to any railway company under the authority of Parliament so long as such premises are used by such company primarily for railway purposes.

Application of miscellaneous provisions of Act of 1913.

58. The following sections of the Act of 1913 are incorporated with this Act and shall apply to the foregoing provisions of this Act as if the same with necessary modifications were set out in this Part of this Act :—

Section 108 (Informations by whom to be laid).
Section 111 (Confirmation of byelaws).
Section 112 (As to appeal).
Section 113 (Recovery of penalties &c.).
Section 114 (Recovery of demands).
Section 115 (Damages and charges to be settled by justices).

Section 116 (Penalties to be paid over to treasurer).
Section 117 (Determination of compensation).
Section 118 (Persons acting in execution of Act not to be personally liable).
Section 119 (Saving for indictments).
Section 120 (Judges not disqualified).
Section 121 (Powers of Act cumulative).

Crown rights.

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

PART VIII.

WEST MONMOUTHSHIRE OMNIBUS BOARD.

Incorporation of Acts.

60. 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 Part of this Act) are incorporated with and form part of this Part of this Act (that is to say) :—

(1) The provisions of the Commissioners Clauses Act 1847 with respect to the contracts to be entered into and the deeds to be executed by the commissioners and the liabilities of the commissioners and legal proceedings by or against the commissioners :

(2) The Lands Clauses Acts except the provisions with respect to the taking and purchase of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845 Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Board and shall be sufficient without the addition of the sureties mentioned in that section :

Provided also that for the purposes of this Part of this Act the expressions "the commissioners" and "the promoters of the undertaking" in the provisions of the Commissioners Clauses Act 1847 and the Lands Clauses Acts as incorporated with this Part of this Act shall mean the Board.

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Definitions in Part VIII. of Act.

61. In this Part of this Act unless the subject or context otherwise requires :—

"The Bedwellty Council" means the Bedwellty Urban District Council;

"The Mynyddislwyn Council" means the Mynyddislwyn Urban District Council;

"The Board" means the West Monmouthshire Omnibus Board incorporated by this Part of this Act;

"The clerk" means the clerk to the Board and includes any person duly appointed by the Board to discharge temporarily the duties of that officer;

"Constituent authority" means a local authority for the time being authorised to appoint a member or members of the Board;

"Rateable value" in relation to the district of a constituent authority means the total rateable value of all the hereditaments in that district ascertained in accordance with the Rating and Valuation Act 1925 Provided that until the coming into force in such district of the first new valuation list made under the said Act of 1925 the rateable value of the district shall be deemed to be the total assessable value of all the hereditaments in the district as ascertained for the purpose of assessment to the general district rate after taking into account the reduced net annual value provided for by section 211 (1) (*b*) of the Public Health Act 1875 as amended by the Public Health (Rating of Orchards) Act 1890 and the Allotments Rating Exemption Act 1891 but before taking into account the reduced net annual value provided for by section 211 (1) (*a*) of the Public Health Act 1875;

"Omnibus" means any carriage for carrying passengers at separate fares and moved by animal power or by mechanical power (including in that expression petrol electric and every other motive power not being animal power) obtained from some internal source;

"Road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

"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 Board;

"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 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;

"The revenues of the Board" includes the revenues of the Board from time to time arising from their undertaking or from any land or other property for the time being belonging to the Board and the money receivable by them from the constituent authorities under the provisions of this Part of this Act.

Establishment of Board.

62.—(1) A board (to be called "the West Monmouthshire Omnibus Board") shall be established for the purpose of providing and running omnibuses and of

A.D. 1926. exercising and enjoying and carrying into execution the rights powers authorities and privileges conferred on the Board by this Part of this Act.

(2) The Board shall be a body corporate with a common seal and with power to acquire hold and dispose of lands for the purposes of this Part of this Act without licence in mortmain.

(3) The constitution of the Board shall in the first instance be as follows :—

Six members to be appointed by the Bedwellty Council;

Three members to be appointed by the Mynyddislwyn Council:

Provided that in the month of March in the year nineteen hundred and twenty-nine and in every subsequent third year and before the annual meetings of the constituent authorities in such year the constitution of the Board shall be revised so that the number of members to be appointed by each of the constituent authorities to hold office during the next following period of three years shall be on the basis of one member for every complete thirty thousand pounds or part of thirty thousand pounds above a multiple of thirty thousand pounds in the rateable value of the district of the constituent authority.

(4) The chairman and vice-chairman of the Board shall be elected by and from the members of the Board Provided that they shall not both represent the same constituent authority So long as there are only two constituent authorities the chairman shall in alternate years be a member representing each of the constituent authorities alternately unless the Board shall otherwise unanimously resolve.

Proceedings of Board.

63. Subject to the provisions of this Part of this Act the provisions of the First Schedule to this Act with respect to the constitution and proceedings of the Board shall have effect.

Board may provide and run omnibuses.

64.—(1) Subject to the provisions of this Act the Board may provide and maintain (but shall not manufacture) and may run omnibuses (*a*) within the districts of the constituent authorities of the Board and (*b*) with the consent of the Minister of Transport

and of the local authority of the district along any road :— A.D. 1926.

(i) In any district (other than a district of a constituent authority) adjoining the Mynyddislwyn Urban District;

(ii) In so much of the Caerphilly Urban District as is within two miles of any part of the Mynyddislwyn Urban District; and

(iii) Along the road in the Rhymney Urban District between New Tredegar and Rhymney as far as the northern end of Abertysswg Village.

The consent of any such local authority may be given on and subject to such terms and conditions as the local authority may think fit to impose.

(2) In the case of any application under the provisions of this section for the consent of the Minister of Transport the Board shall give notice in writing of their proposals to the road authority (where they are not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and if any objection shall be made by any such person the Minister may direct an inquiry to be held.

(3) The Board may purchase by agreement take on lease and hold lands and buildings (including an office) and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of omnibuses but the Board shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Board shall perform in respect of the omnibuses provided under this section such services in regard to the conveyance of mails as are prescribed

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by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(6) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Board as if they were carriages used on tramways.

(7) The Board may make byelaws for regulating the travelling in or upon their omnibuses and for the prevention of nuisances in or upon the same or in or against any premises held by the Board in connection therewith.

Adaptation of roads.

65.—(1) (*a*) Before the Board commence to run omnibuses over any road or part of a road for which the road authority is not a constituent authority or over any county bridge or any district bridge not maintainable by a constituent authority it shall be determined by agreement between the Board and the road authority or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Part of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen such bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall be payable by the Board to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

(*b*) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (*a*) of this subsection have been so agreed or determined the Board shall give notice in writing to the road authority as to whether they intend to run omnibuses over the road or part of a road or bridge in question.

(*c*) If the Board give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Board are to make any payment to the road authority under the provisions of paragraph (*a*) of this subsection the

Board shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Board as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work Provided that the aggregate amount to be so paid by the Board shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(*d*) Notwithstanding anything in this subsection the Board shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Board shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

(*e*) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (*c*) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened.

(*f*) For the purposes of this subsection the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such bridge the county council shall be deemed to be the road authority and the expression "district bridge" shall include every bridge maintainable by a district council and in respect of such bridge the district council shall be deemed to be the road authority.

(2) Any payment made to a road authority under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under subsection (4) of that section shall be credited to the county council in ascertaining the amount payable by

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them under either of the said subsections of the Local Government Act 1888.

(3) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration of any telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Board in respect of extraordinary traffic by reason of the user of any highway by the omnibuses of the Board.

(5) An agreement under this section with respect to any main road maintained by a local authority at the expense of any county council shall not be made except with the concurrence of that county council.

(6) For the purposes of this section the expression "road authority" shall not include a railway company.

Fares and charges.

66.—(1) Subject to the provisions of this section the Board may demand and take for passengers and parcels carried on the omnibuses fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

Any application for the revision of such maximum fares or charges may be made by the Board or by the local authority of any district in which such omnibuses are run.

Before approving any maximum fares or charges or any revision thereof under this section the Minister may direct an inquiry to be held.

Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Board or by any of the parties on whose representation the inquiry is held or partly by the Board and partly by any of such parties and the Minister may certify the amount of the expenses

so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown. A.D. 1926.

(2) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

(3) The Board may if they think fit carry on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers (the charge for any such dog to be a sum not exceeding the fare payable by the passenger) but they shall not carry any other goods or animals.

(4) The fares and charges for the time being authorised under the provisions of this Part of this Act shall be paid to such persons and in such manner as the Board may by notice annexed to the list of fares and charges appoint.

Working and other agreements.

67.—(1) The Board and any local authority empowered to run omnibuses in any district adjacent to the Mynyddislwyn Urban District or in the Caerphilly Urban District or in the Rhymney Urban District may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised.

(2) The Board and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services which the Board are for the time being empowered to provide.

(3) The Board and any such local authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say) :—

(*a*) The working user management and maintenance of any omnibuses lands depots buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of

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the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;

(*b*) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(*c*) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;

(*d*) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Board shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service omnibuses lands depots buildings sheds or property not situate in or provided within the district of any constituent authority otherwise than with the consent of the local authority of the district within which such omnibus service omnibuses lands depots buildings sheds or property are situate or are provided which consent may be given on and subject to such terms and conditions as the local authority may think fit to impose.

Shelters and waiting rooms.

68. The Board may within the districts of the constituent authorities and with the consent of the local authority in any other district in which they may for the time being be authorised to run omnibuses erect and maintain shelters or waiting rooms for the accommodation of passengers and may in any such district with the consent of the local and road authorities use for that purpose portions of the public streets or roads.

Cloak-rooms &c.

69. The Board may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with their undertaking and at suitable places on any of their omnibus routes and the Board may make charges for the use of such cloak-rooms rooms and sheds

and for the deposit of articles and things and bicycles tricycles or other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

Power to reserve omnibuses for special purposes.

70.—(1) Notwithstanding anything in this or any other Act to the contrary the Board may on any occasion run and reserve omnibuses on any route on which the Board are for the time being authorised to run omnibuses for any special purpose which the Board may consider necessary or desirable Provided that such special omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Board and that during the running of such special omnibuses the Board shall maintain a reasonably sufficient ordinary service of omnibuses.

(2) The Board may make byelaws for prohibiting the use of any such omnibuses by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this Part of this Act as to fares or charges for passengers shall not extend to any omnibuses run for such special services as aforesaid and in respect thereof the Board may demand and take such fares or charges as they shall think fit.

Through omnibuses.

71. The Board may run through omnibuses along any route on which they are for the time being authorised to run omnibuses or any specified portion of any such route and such omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Board and they may demand and take for every passenger by such omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibus Provided that during the running of such through omnibuses the Board shall maintain a reasonably sufficient ordinary service of omnibuses.

Board may appoint starting and stopping places.

72. The Board may appoint the stations and places from which the omnibuses of the Board shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which such omnibuses shall be allowed to remain at any such place but any such appointment and fixing of time

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Attachment of signs indicating stopping places to lamp-posts &c.

73.—(1) The Board may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any of their omnibus routes signs or directions indicating the position of stopping places for omnibuses Provided that the Board shall give notice in writing to the owner of any such erection as aforesaid of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such erection by the attachment and the Board shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment.

(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Board shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing or belonging to any local authority or railway company except with the consent of the authority or railway company in writing but such consent of a railway company shall not be unreasonably withheld.

Lost property.

74. Any property found in any omnibus of the Board or in any shelter or waiting room in connection with the omnibuses of the Board shall forthwith be taken to a place to be appointed for the purpose by the Board and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the Board.

As to bye-laws under Part VIII. of Act.

75. All byelaws made by the Board under the provisions of this Part of this Act shall be made subject to and in accordance with the provisions of the Tramways Act 1870 with respect to the making of byelaws.

As to cesser of powers.

76.—(1) The powers of running omnibuses under the provisions of this Part of this Act on any road or part of a road not situate in the district of a constituent

authority may at the expiration of ten years from the date on which such running commences and at the expiration of any subsequent period of ten years be determined by the Minister of Transport on the application of the local authority of the district in which such road or part of a road is situate upon such terms as the said Minister may determine.

(2) Before issuing an order to determine the said powers the Minister shall hold a local inquiry at which opportunity shall be afforded to any person interested to object to the continuance or cesser of such powers.

Provision if certain powers not exercised within prescribed time.

77. If the Board do not within three years from the giving of the consent of the Minister of Transport to the running by the Board of omnibuses on any route not situate in the district of a constituent authority provide a service of omnibuses on such route or having provided shall discontinue any such service the Minister may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Board by order declare that unless a service of omnibuses be provided within such period as the Minister may by such order prescribe the powers of the Board under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Board under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease :

Provided that this section shall not apply or have effect if the failure of the Board to provide a service of omnibuses on any route is due to strikes unforeseen accident or circumstances beyond the control of the Board.

For protection of railway and canal companies.

78. Nothing in this Part of this Act shall impose any obligation upon or enlarge any obligation of any railway company or canal company to strengthen adapt alter or reconstruct any bridge or road maintainable by them.

For protection of certain

79. The Board shall not under the powers of the sections of this Act of which the marginal notes respec-

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railway companies.

tively are "Shelters and waiting rooms" "Cloak-rooms &c." and "Board may appoint starting and stopping places" (except with the consent in writing of the Great Western Railway Company or the London Midland and Scottish Railway Company under the hand of their secretary or general manager) erect maintain or provide any shelter waiting room cloak-room room or shed or appoint any starting or stopping station or place so as to cause interference with or render less convenient the access to or exit from any station depot or property belonging to either such railway company nor without the like consent shall any such shelter waiting room cloakroom room or shed be erected maintained or provided on any bridge carrying any street or road over the railways of either such railway company or on the approaches to any such bridge.

For protection of Abercarn and Risca Urban District Councils.

80. The following provisions shall apply and have effect for the protection and benefit of the urban district council of Abercarn (hereinafter referred to as "the Abercarn Council") and the urban district council of Risca (hereinafter referred to as "the Risca Council") (that is to say) :—

(1) Neither the Board nor any constituent authority shall oppose any application which may be made by the Abercarn Council or by the Risca Council whether independently or jointly with any other local authority or authorities for powers to provide and run omnibuses or to constitute a joint board or joint committee for the like purpose but any Bill or Order conferring such powers shall contain a provision that the exercise of such powers within the district of a constituent authority shall be conditional upon the consent of the constituent authority being obtained and that such consent may be given subject to such terms and conditions as the constituent authority may think fit to impose :

(2) Neither the Board nor any constituent authority shall without the consent of the Abercarn Council or the Risca Council as the case may be oppose or make any representations in regard to any application which may be made by any

other local authority company or person to the Minister of Transport for or in any way in relation to the running or plying for hire of omnibuses in the district of the Abercarn Council or the district of the Risca Council respectively. A.D. 1926.

Confirmation of scheduled agreements.

81. The following agreements namely—

(*a*) the agreement made the seventh day of June nineteen hundred and twenty-six between Lewis and James Limited of the first part the Mynyddislwyn Council and the Bedwellty Council on behalf of the Board of the second part the Mynyddislwyn Council on their own behalf of the third part and the Bedwellty Council on their own behalf of the fourth part; and

(*b*) the agreement made the seventh day of June nineteen hundred and twenty-six between the Griffin Motor Company Limited of the first part the Valleys Motor Bus Services Limited of the second part Western Services Limited of the third part the Mynyddislwyn Council and the Bedwellty Council on behalf of the Board of the fourth part the Mynyddislwyn Council on their own behalf of the fifth part and the Bedwellty Council on their own behalf of the sixth part

which are respectively set forth in Parts I. and II. of the Second Schedule to this Act are hereby confirmed and made binding on the parties thereto respectively and on the Board and effect may and shall be given thereto accordingly subject to such modifications (if any) as may from time to time be agreed between the said parties respectively and the Board in writing under their respective common seals.

Power to Board to borrow.

82.—(1) The Board may from time to time borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective

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periods mentioned in the third column of the said table (namely) :—

1 Purpose.	2 Amount.	3 Period.
	£	
(*a*) For the provision and equipment of omnibuses.	20,000	Eight years from the date or dates of borrowing.
(*b*) For the purchase of lands for the purpose of the Board's undertaking.	1,000	Sixty years from the date or dates of borrowing.
(*c*) For laying out those lands for garages and buildings.	1,000	Thirty years from the date or dates of borrowing.
(*d*) For the provision of garages and buildings.	2,500	Twenty years from the date or dates of borrowing.
(*e*) For the provision of working capital for the purpose of the Board's undertaking.	1,000	Ten years from the date or dates of borrowing.
(*f*) For paying the costs charges and expenses payable by the Board under the final section of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (*a*) The Board may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of this Part of this Act including any of the purposes of the agreements set forth in the Second Schedule to this Act.

(*b*) Any moneys borrowed under this subsection shall be repaid within such period as may be authorised by the Minister of Transport.

(3) In order to secure the repayment of moneys borrowed or re-borrowed under this Part of this Act and the payment of the interest thereon the Board may mortgage or charge the revenues of the Board.

Mode of raising money.

83.—(1) The Board may raise all or any moneys which they are authorised to borrow or re-borrow under this Part of this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purposes of such issue under the Local Loans Act 1875

the Board shall be deemed a local authority under that Act and the revenues of the Board shall be deemed to be the local rate as defined by the said Act Provided that the provisions incorporated with this Part of this Act relating to sinking funds 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.

(2) All mortgages debentures and annuity certificates granted or issued by the Board under any statutory borrowing power 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 granting or issue of the security or on any other account whatsoever.

Provisions of Public Health Act 1875 as to mortgages to apply.

84. The following sections of the Public Health Act 1875 with any necessary modifications shall extend and apply to mortgages granted by the Board :—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Power to constituent authorities to lend money to Board.

85. Any constituent authority may with the consent of the Minister of Health lend to the Board such sum or sums on such terms and conditions and in such form as may be agreed between the Board and the constituent authority Provided that the consent of the Minister shall not be necessary if a constituent authority proposes to lend to the Board any sum or sums of money for any period not exceeding twelve months.

Power to Board to lend money temporarily to constituent authorities.

86. The Board may from time to time lend for any period not exceeding twelve months or with the consent of the Minister of Health for any longer period to any constituent authority any sum of money which is not for the time being required for the purpose for which it was raised and the same shall be lent on such terms and conditions and in such form as may be agreed between the constituent authority and the Board.

Application of money borrowed by Board.

87. All moneys borrowed by the Board under the powers of this Part of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money

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borrowed for working capital) to which capital is properly applicable.

Incorporation of financial sections.

88. The following provisions of the Act of 1913 and of Part VI. of this Act shall extend and apply to the Board and to any moneys borrowed by them under this Part of this Act as if those sections were re-enacted in this Part of this Act with the substitution of the words "the Board" for "the Council" and "this Part of this Act" for "this Act" and any other necessary modifications viz. :—

Act of 1913—

Section 86 (Appointment of receiver);
Section 87 (Protection of lenders from inquiry);
Section 89 (Mode of payment off of money borrowed);
Section 91 (Power to invest all sinking funds in statutory securities);
Section 94 (Power to re-borrow);
Section 96 (Council not to regard trusts or bound to see to application of moneys);
Section 105 (Power to retain sell &c. lands);

This Act—

Section 43 (Receipt in case of persons not sui juris);
Section 44 (Interest on securities held jointly);
Section 45 (Sinking fund) with the substitution of the words "the revenues of the Board" for the words "the district fund";
Section 46 (Return to Minister of Health with respect to repayment of debt);
Section 47 (Use of moneys forming part of sinking and other funds);
Section 52 (Proceeds of sale of surplus lands).

As to transfers of mortgages of Board.

89.—(1) There shall be kept at the office of the Board a register of the transfers of mortgages granted by them 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 to him 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 Board shall not be in any manner responsible to the transferee.

(2) 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 rights 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 moneys secured thereby.

(3) 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.

(4) Every such deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(5) The Board before registering any such transfer may if the circumstances appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(6) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Board may require.

Expenses of execution of Part VIII. of Act.

90. All expenses incurred by the Board in carrying into execution the provisions of this Part of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for shall be paid out of the revenues of the Board.

Application of revenue of Board.

91. The Board shall apply all money from time to time received by them in respect of their undertaking except money received on capital account as follows (that is to say):—

Firstly In maintaining the omnibuses garages and other buildings and plant and appliances belonging to or leased by the Board:

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Secondly In paying all working and other expenses properly chargeable to revenue;

Thirdly In paying the interest on moneys borrowed and applied by the Board for the purposes of or connected with their undertaking:

Fourthly In making the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed and applied for the purposes of their undertaking:

Fifthly In providing a reserve fund (if they think fit) by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to meet any deficiency at any time happening in the income of the Board from their undertaking or any extraordinary claim or demand at any time arising against the Board and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction happens:

Lastly The surplus (if any) including the interest on the reserve fund when such fund amounts to two thousand pounds shall (subject to the provisions of the section of this Part of this Act of which the marginal note is "Quinquennial adjustments of profits and losses") from time to time be apportioned between and paid to the constituent authorities in proportion to the respective rateable values of their respective districts and any money so paid to a constituent authority shall be carried by them to the credit of the district fund of their district Provided that the Board may retain at the close of any financial year so much of the surplus as they think necessary for the purpose of carrying on their undertaking and paying the current expenses connected therewith.

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Deficiency in revenue of Board to be made good by the constituent authorities.

92.—(1) If in any year the revenue of the Board (exclusive of moneys receivable from the constituent authorities under this and the next succeeding section of this Act) shall be insufficient to meet the charges set out under the headings Firstly Secondly Thirdly and Fourthly in the immediately preceding section of this Act the Board are hereby authorised and required forthwith to ascertain and determine the amount of such deficiency and to apportion the same (subject to the provisions of the next succeeding section of this Act) between the constituent authorities in proportion to the respective rateable values of their respective districts except in so far as such deficiency may be met from the reserve fund authorised by this Part of this Act.

(2) The Board shall issue precepts to the constituent authorities for the amounts so respectively apportioned and the constituent authorities shall within the time limited in the precepts pay to the Board the amounts apportioned as aforesaid respectively.

(3) Such amounts shall be paid by each constituent authority out of the district fund and general district rate of their district which fund and rate are hereby charged with the payment of the same accordingly and the constituent authorities are hereby severally required to make and levy any rate which may be necessary for the purpose aforesaid.

(4) If any constituent authority fails to pay any amount so apportioned within the time aforesaid the same shall be a debt due to the Board from that authority and shall bear interest till payment at the rate of six pounds per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say) :—

(*a*) The Board may sue the defaulting constituent authority for the amount unpaid in any court of competent jurisdiction;

(*b*) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities

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as the rate out of which the amount in arrear ought to have been paid by the defaulting constituent authority such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting constituent authority to account as the defaulting constituent authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting constituent authority.

(5) Any receiver appointed under this Part of this Act on the application of the mortgagees of the Board shall be entitled to receive the amounts so apportioned by the Board to the constituent authorities and if the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

Quinquennial adjustments of profits and losses.

93.—(1) As soon as practicable after the thirty-first day of March in the year nineteen hundred and thirty-one and in every subsequent fifth year a calculation shall be made of—

(i) the total amount of the revenue and the total amount of the expenditure of the Board on revenue account during the preceding five years; and

(ii) the average rateable values of the respective districts of the constituent authorities during the same five years;

and the difference (whether a surplus or deficit) between such total amounts shall be apportioned between the constituent authorities in proportion to such average rateable values.

(2) On the making of any apportionment in respect of the first or any subsequent quinquennial period under subsection (1) of this section there shall then be taken into account with respect to each constituent authority (*a*) the payments (if any) made by or due from that constituent authority to the Board in respect of each of the first four years of the same quinquennial period under the section of this Act of which the marginal note is "Deficiency in revenue of Board to be made good by the constituent authorities" and (*b*) the payments made by the Board to the same constituent authority in respect of each of the said four years under the final paragraph of the section of this Act of which the marginal note is "Application of revenue of Board" and the net sum thus ascertained shall be payable to or due from the constituent authority (as the case may require) the intention being that the constituent authorities shall be entitled or required to share in the net surplus or deficit on revenue account of the Board's undertaking in respect of every quinquennial period in proportion to the average rateable value of their respective districts during the quinquennial period instead of sharing in the surplus or deficit on revenue account of the Board's undertaking in each separate year of the period in proportion to the respective rateable values of the districts of the constituent authorities during such year.

(3) If the net sum ascertained with respect to any constituent authority under subsection (2) of this section is an amount due to the Board from the constituent authority the Board shall issue a precept therefor and the provisions of the said section of this Act of which the marginal note is "Deficiency in "revenue of Board to be made good by the constituent "authorities" shall apply to such sum.

Accounts and audit.

94. The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Board and of their committees and officers and to the audit thereof and the accounts of the Board

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Accounts to be sent to Minister of Transport.

95. The Board shall every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow send to the Minister a copy of the annual accounts of their undertaking.

Local taxation returns.

96. The Board shall be deemed to be a local authority within the meaning of the Local Taxation Returns Acts 1860 and 1877.

Subsidiary powers of Board.

97.—(1) The Board shall have power to promote or oppose any Bill in Parliament or oppose any Provisional Order and to prosecute or defend legal proceedings.

(2) The Board may pay the costs and expenses of and incidental to the promotion of or opposition to any such Bill in Parliament or the opposition to any such Provisional Order as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenues as part of their working expenses Provided that—

(*a*) No expenses in relation to the promotion of any such Bill shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by an absolute majority of the whole number of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in two newspapers circulating in the districts of the constituent authorities such notice to be in addition to the ordinary notices required for summoning such meeting;

(*b*) No further expenses shall be incurred or paid as aforesaid after the expiration of twenty-eight days from the deposit of the Bill in Parliament unless the propriety of the promotion of the Bill shall be confirmed by such absolute majority at a further meeting of the Board to be held in pursuance of a similar

notice not less than fourteen days after the deposit of the Bill in Parliament and shall have received the approval of the Minister of Health. A.D. 1926.

Extension of section 303 of Public Health Act 1875 to Board.

98.—(1) Section 303 (Power to repeal and alter local Acts) of the Public Health Act 1875 shall extend and apply to and the powers thereof may be exercised by the Board as if they were a local authority within the meaning of that section and as if their district comprised all the districts of the constituent authorities and on the application of the Board the Minister of Health may make such orders as he is by that section empowered to make, on the application of a local authority.

(2) The provisions of this section shall be in addition to and not in derogation of any other powers conferred on the Board by this Part of this Act.

Incorporation of sections 259 and 265 of Public Health Act 1875.

99. Section 259 (Appearance of local authorities in legal proceedings) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 are hereby incorporated with this Part of this Act and shall extend and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively and the purposes of this Part of this Act were purposes of the Public Health Act 1875.

Superannuation fund.

100.—(1) The Board shall be deemed to be a local authority within the meaning of the Local Government and other Officers' Superannuation Act 1922 and for the purposes of that Act the area of the Board shall be deemed to be the districts of the constituent authorities.

(2) The Board may accordingly subject to the provisions of the said Act of 1922 either by themselves or in combination with any local authority as defined in that Act adopt the Act or (subject to the provisions of section 5 of that Act) enter into combination for the purposes of that Act with any local authority as so defined.

Incorporation of miscellaneous

101. The following sections of the Act of 1913 shall extend and apply to the Board as if those sections

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provisions of Act of 1913.

were re-enacted in this Part of this Act with the substitution of the words "the Board" for "the Council" and "this Part of this Act" for "this Act" and any other necessary modifications viz. :—

Section 108 (Informations by whom to be laid);
Section 113 (Recovery of penalties &c.);
Section 114 (Recovery of demands);
Section 120 (Justices not disqualified).

Penalties to be paid over to Board.

102. All penalties recovered by the Board or any officer of the Board on their behalf under this Part of this Act or any byelaw made thereunder shall be paid to the clerk and shall be carried by him to the credit of the revenue account of the Board.

PART IX.

COSTS OF ACT.

Costs of Act.

103.—(1) The costs charges and expenses of the Mynyddislwyn Urban District Council preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by that Council out of the district fund and general district rate of their district or out of moneys to be borrowed by them under this Act for that purpose and the West Monmouthshire Omnibus Board established by Part VIII. of this Act shall repay to the said Council out of the moneys to be borrowed for that purpose by the said Board under the powers of the said Part VIII.—

(*a*) so much of the said costs charges and expenses as is attributable to the preparation of application for and proceedings in Parliament on the provisions of the said Part VIII. of this Act; and

(*b*) such portion of the remainder of the first mentioned costs charges and expenses as may be agreed between the said Council and the Board or failing agreement be determined by arbitration under subsection (3) of this section.

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(2) The costs charges and expenses of the Bedwellty Urban District Council relating to the preparation of application for and proceedings in Parliament on Part VIII. of this Act or otherwise arising out of the promotion of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by that Council out of the district fund and general district rate of their district but the amount so paid by the said Council shall be repaid to them by the said Board out of the moneys to be borrowed for the purpose by the Board under the powers of the said Part VIII.

(3) Any dispute between the said Board and either of the said Councils as to any sum payable by the Board to either such Council under the foregoing provisions of this section shall be determined by Frederick John Alban or him failing by another fit person to be nominated by the chairman of the Monmouthshire County Council.

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The SCHEDULES referred to in Part VIII. of the foregoing Act.

THE FIRST SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF THE WEST MONMOUTHSHIRE OMNIBUS BOARD

PART I.—PROVISIONS AS TO APPOINTMENT AND QUALIFICATION OF MEMBERS TENURE OF OFFICE CASUAL VACANCIES &C.

(1) The first appointment of members of the Board by each constituent authority shall be made at a meeting of the constituent authority to be held before the tenth day of September nineteen hundred and twenty-six and the members so appointed shall subject to the provisions of this Schedule continue in office until the annual meeting of the constituent authority by whom they are appointed in the year nineteen hundred and twenty-nine.

(2) Each constituent authority shall at their annual meeting in the year nineteen hundred and twenty-nine and every subsequent third year appoint the number of members of the Board whom they are under the provisions of this Act authorised to appoint for the next triennial period and the members so appointed shall subject to the provisions of this Schedule hold office until the annual meeting of the constituent authority by whom they are appointed in the next subsequent third year.

(3) If any constituent authority fail to appoint first members of the Board as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if any constituent authority fail subsequently to appoint members of the Board at the proper time for their appointment the then existing members of the Board representing such authority and qualified to be members of the Board shall continue in office till their successors are appointed.

(4) A person shall not be qualified to be a member of the Board unless he is a member of the constituent authority by which he is appointed.

(5) If a member of the Board ceases to be a member of the constituent authority by whom he has been appointed or becomes disqualified he shall cease to be a member of the Board.

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(6) A person shall be disqualified for being appointed or being a member of the Board if he—

(*a*) holds any paid office under the Board save as permitted by this Act;

(*b*) is concerned in any bargain or contract entered into with the Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board:

Provided that a person shall not be disqualified for being appointed or being a member of the Board by reason of being interested—

(i) in the sale or lease of any lands or in any loan of money to the Board or in any contract with the Board for the supply from land of which he is owner or occupier of materials for work done by or under the authority of the Board; or

(ii) in any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(iii) in any bargain or contract with the Board as a shareholder in any company;

but he shall not vote at any meeting of the Board on any question in which he is so interested.

(7) Whenever an appointment of a member of the Board has been made the clerk to the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith send the certificate to the clerk to the Board Provided that in the case of the first appointment the clerk of each constituent authority shall return the names of the members appointed by his authority to the clerk to the Mynyddislwyn Council.

(8) A member of the Board may resign his office by notifying in writing his intention so to do to the chairman or clerk to the Board.

(9) If any member is absent from meetings of the Board for more than six months consecutively except for some reason approved by the Board he shall on the expiration of that period vacate his office.

(10) Where any member becomes disqualified for holding office or vacates his office from absence or otherwise the Board shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he was appointed in such manner as the Board think fit.

(11) If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent authority by whom he was appointed may at any time after

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the happening of such vacancy appoint another person to be a member of the Board in his place who shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

(12) Subject to the provisions of this Act the term of office of chairman and vice-chairman shall be one year.

(13) A chairman or vice-chairman may if otherwise qualified be reappointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(14) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification or otherwise another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would regularly have gone out of office.

PART II.—PROVISIONS AS TO MEETINGS AND PROCEEDINGS.

(1) The Board shall hold their first meeting at the offices of the Bedwellty Council at Blackwood on the 20th day of September nineteen hundred and twenty-six at six o'clock in the afternoon or at such other place or on such other day and at such other time as may be agreed between the constituent authorities and subsequent meetings of the Board (including their annual meetings) shall be held at such places on such days and at such times as the Board may from time to time appoint Provided that the Board shall hold their annual meeting in the month of April or May in every year.

(2) The chairman or any three or more members of the Board may at any time by writing addressed and sent to the clerk of the Board require a special meeting to be convened and the clerk shall convene a meeting accordingly.

(3) The meetings of the Board shall be convened by the clerk to the Mynyddislwyn Council until the Board have appointed a clerk and afterwards by the clerk to the Board Every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence four clear days at least before the day of the meeting.

(4) To constitute a meeting of the Board there must be present not less than one-third of the total number of members of the Board.

(5) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint a chairman and a vice-chairman for the ensuing year.

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(6) (*a*) At every meeting the chairman of the Board shall preside but if he is not present at the time appointed for the meeting the vice-chairman if present shall preside and if neither the chairman nor the vice-chairman is present the members then present shall choose one of their number to preside at that meeting.

(*b*) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote Provided always that if at any meeting neither the chairman nor the vice-chairman be present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

(7) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and copies or prints of such minutes shall after each meeting be forwarded by the clerk to the Board to the clerk to each constituent authority and the minutes shall be signed by the chairman or other member presiding at the next ensuing meeting.

(8) (*a*) A minute of the proceedings of the Board or of a committee of the Board signed at the same or the next ensuing meeting by a member of the Board describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(*b*) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members present at the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

PART III.—GENERAL.

(1) Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings.

(2) The Board may appoint out of their body such and so many committees of either a general or a special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any power of raising money) to any committee of the Board so appointed

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The provisions of section 82 of the Local Government Act 1888 with respect to proceedings of committees of county councils shall apply to committees of the Board as if they were committees of a county council.

(3) (*a*) The Board may appoint and may remunerate a clerk a deputy-clerk manager treasurer and such other officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall (subject to the terms of their appointment) be removable by the Board at their pleasure.

(*b*) Any such officer or servant who will or may be entrusted with the custody or control of money shall furnish sufficient security for the faithful execution of such office or employment.

(*c*) No member of the Board or of any constituent authority shall be an officer of the Board but the same person may be and continue an officer of the Board and of a constituent authority.

(*d*) All acts and things required or authorised to be done by the clerk may (subject to any restrictions imposed by the Board) be done by the deputy-clerk and a deputy-clerk may act notwithstanding a vacancy in the office of clerk.

(4) No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board.

THE SECOND SCHEDULE.

PART I.

AN AGREEMENT made the seventh day of June one thousand nine hundred and twenty-six between LEWIS AND JAMES LIMITED whose registered office is at Newbridge in the county of Monmouth (hereinafter called "the Vendors" which expression where the context admits shall include its successors and assigns) of the first part the URBAN DISTRICT COUNCIL OF MYNYDDISLWYN (hereinafter called "the Mynyddislwyn Council") and the URBAN DISTRICT COUNCIL OF BEDWELLTY (hereinafter called "the Bedwellty Council") on behalf of the West

Monmouthshire Omnibus Board to be incorporated under the Bill hereinafter mentioned of the second part of the Mynyddislwyn Council on their own behalf of the third part and the Bedwellty Council on their own behalf of the fourth part. [A.D. 1926.

Whereas the Mynyddislwyn Council are promoting in the present session of Parliament a Bill (hereinafter referred to as "the Bill") intituled "A Bill to empower the urban district "council of Mynyddislwyn to acquire lands and easements for an "arterial road and to provide and run omnibuses to make "further provision in regard to the electricity and gas under-"takings of the Council and to the health good government "and finances of their district to impose obligations upon the "London Midland and Scottish Railway Company with regard "to the level crossing at Pontllanfraith and for other purposes":

And whereas by the Bill as proposed to be amended in accordance with certain clauses and amendments to be inserted therein on a petition for additional provision which has been duly deposited it is proposed to constitute and incorporate a Board (hereinafter referred to as "the Board") to be called "the West Monmouthshire Omnibus Board" representing the Mynyddislwyn Council and the Bedwellty Council and to authorise the Board to provide and run omnibuses in manner set forth in the Bill as so proposed to be amended and to exercise other powers also therein set forth:

And whereas the Vendors have deposited in the House of Commons a petition against the Bill:

Now it is hereby agreed between the parties hereto as follows:—

1. If the Bill as so proposed to be amended shall be duly passed into law in the present session of Parliament the Vendors shall sell to the Board and the Board shall purchase the omnibuses garage and other property (including the undertaking which the Vendors have acquired from the Sirhowy Valley Motor Transport Company Limited hereinafter called "the Sirhowy Company") used by the Vendors at the eighteenth day of March one thousand nine hundred and twenty-six for the purposes of the omnibus services operated by them at that date or thereafter to be operated by them on routes wholly within the urban districts of Mynyddislwyn and Bedwellty and on the extensions of such routes to (*a*) Abertysswg Mon. and (*b*) Glanynant Pengam Glam. and (*c*) the proposed extension of the Markham–Abergarged route to Bargoed (all of which routes are hereinafter referred to as "interior routes") and also the benefit of the time-tables applicable to the said services Particulars of the said omnibuses garage and other property are set forth in the Schedule hereto annexed.

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2. The consideration for the said sale shall be the payment by the Board to the Vendors of the following amounts :—

(*a*) Seven thousand pounds being the amount of the consideration paid by the Vendors on the purchase by them of the undertaking of the Sirhowy Company;

(*b*) The amount of all charges and expenses incurred by the Vendors incidental to the purchase by and transfer to them of the undertaking of the Sirhowy Company and to the sale and transfer from the Vendors to the Board under this agreement but not including any charges or expenses of or incidental to the winding up of the Sirhowy Company;

(*c*) The amount of all items of capital expenditure incurred by the Vendors subsequently to the purchase by them of the undertaking of the Sirhowy Company in relation to such undertaking including inter alia the cost of an additional omnibus provided by the Vendors for the service of the Sirhowy Company Provided that the Board shall not be liable to repay any capital expenditure incurred after the date of this agreement unless the same shall have been approved in writing on behalf of the Board by Douglas Francis Adey;

(*d*) The price paid by the Vendors for the two special omnibuses to be provided for the proposed extension of the Markham–Aberbargoed route to Bargoed Provided that if no such extended service be established the Board shall not be under any obligation to acquire the said two special omnibuses.

If any question or dispute shall arise between the Vendors and the parties hereto of the second part or the Board with respect to the amounts payable under paragraph (*c*) or paragraph (*d*) of this clause the same shall be submitted to and finally decided by Mr. C. Gordon Joliffe of Messieurs Parsons and Joliffe chartered accountants Newport.

3. The said sale and purchase shall be completed on the eighteenth day of October one thousand nine hundred and twenty-six at Blackwood in the county of Monmouth when the consideration money shall be paid by the Board to the Vendors and such parts of the premises hereby agreed to be sold as will pass by delivery shall be handed over to the Board and the Vendors and all other persons (if any) shall execute and do all such assurances and things as may be necessary for vesting in the Board the premises hereby agreed to be sold and giving to the Board the full benefit of this agreement.

4. After the completion of the said sale and purchase the provisions contained in the three next following clauses hereof

shall apply for a period of ten years from the date of the said completion and if and so far as the option hereinafter mentioned shall not be exercised by the Board the said clauses shall continue to apply for a further period of ten years from the expiration of the original period of ten years.

5. The Board shall be entitled to operate upon such part of the Vendors' through route from Newbridge to Deri as lies between Pontllanfraith and Blackwood without limitation and as regards such part of the said through route as lies between Blackwood and Glanynant aforesaid the Board shall be entitled to operate upon the same according to the time-tables of the Sirhowy Company in force on the said eighteenth day of March one thousand nine hundred and twenty-six (the benefit of which time-tables shall have been acquired by the Board) but unless otherwise agreed between the Board and the Vendors no additional omnibus shall be run by the Board on the said last mentioned part of the said through route less than ten minutes before an omnibus of the Vendors is timed (according to the through time-tables of the Vendors which were in force on the said eighteenth day of March one thousand nine hundred and twenty-six) to run upon the said last mentioned part of the said through route Provided that in no event shall any omnibus of the Vendors be run on their said through route from Newbridge to Deri otherwise than in accordance with their said through time-tables.

6. Unless otherwise agreed between the Vendors and the Board the latter shall not either itself or by means of a combination or working agreement with other local authorities companies or persons operate any omnibus service or run any omnibuses on any through route now operated upon by the Vendors outside the urban districts of Mynyddislwyn and Bedwellty and beyond the limits hereinbefore prescribed for interior routes Provided that this clause shall not be deemed to prevent the Board from operating any services agreed to be acquired by them on the passing into law of the Bill.

7. The Mynyddislwyn Council and the Bedwellty Council respectively undertake (so far as they legally can do so) to renew from time to time the licences which at the said eighteenth day of March one thousand nine hundred and twenty-six were held by the Vendors to ply for hire on any such through routes as aforesaid Provided that the Vendors shall operate only on their through routes as existing on the said eighteenth day of March one thousand nine hundred and twenty-six for the purposes of their through services Provided also that any such renewal may be granted subject to any undertakings or conditions which at the said eighteenth day of March one thousand nine hundred and twenty-six applied to the licence which then stood in place of the licence to which such renewal relates.

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8. At the expiration of the said original period of ten years the Board shall have the option (unless in the meantime the undertaking of the Vendors shall have been acquired by any other local authority or authorities companies or persons) by giving six months' previous notice in writing to the Vendors to require the Vendors to sell to the Board the whole of the omnibuses garages and other property then used by them for the purposes of services on any of the said through routes and thereupon the Vendors shall sell to the Board and the Board shall purchase the whole of the property in respect of which the said notice is given or any part thereof which the Board and the Vendors may agree upon in lieu of the whole The terms upon which any such sale and purchase shall be carried into effect shall be such as may be agreed between the Board and the Vendors or as failing such agreement may be determined by arbitration in accordance with the provisions hereinafter contained.

9. The Vendors and the Board shall take steps so far as possible to co-ordinate the time-tables of their respective services at Ynysddu.

10. The Vendors shall duly and efficiently maintain and manage the undertaking and property to be taken over by the Board under this agreement until the said date of completion and shall on such date deliver the same to the Board in good and proper condition Any adjustment in respect of depreciation shall be settled by the said Douglas Francis Adey and the Vendors and failing agreement shall be determined by arbitration in accordance with the provisions hereinafter contained.

11. The Vendors shall forthwith withdraw their said petition and discontinue their opposition to the Bill and in the event of the Bill being passed into law the Board shall on the said eighteenth day of October one thousand nine hundred and twenty-six pay to the Vendors the sum of twenty pounds towards the costs of the said petition.

12. Any matter which under this agreement is to be determined by arbitration shall be referred to a single arbitrator to be agreed upon by the parties as between whom the matter is to be determined or failing such agreement to be appointed by the Minister of Transport on the application of either of such parties and save as aforesaid the Arbitration Act 1889 or any statutory modification thereof for the time being in force shall apply to the arbitration.

13. This agreement is made subject to the approval of Parliament and to such alterations as Parliament may think fit to make therein but if the Committee of the House of Lords to whom the Bill is referred shall make any material alteration in this agreement it shall be competent to any party hereto by notice in writing to that effect given to the other parties hereto

to withdraw from this agreement and thereupon this agreement shall become and be absolutely determined. A.D. 1926.

In witness whereof the said parties hereto have hereunto caused their common seals to be affixed the day and year first before written.

The SCHEDULE.

One Leyland 30-seater saloon bus.
One Daimler 26-seater saloon bus.
One Leyland 30-seater saloon bus.
One Leyland 30-seater char-a-banc.
One Leyland 30-seater saloon bus.
One Thornycroft 20-seater saloon bus.
One Thornycroft 26-seater saloon bus.

One leasehold garage situate at High Street Blackwood including bulk storage petrol tank pump office and store-building sundry fixtures fittings tools equipment and stores.

The common seal of Lewis and James Limited was hereunto affixed in the presence of } Seal.

J. H. LEWIS
DAVID JONES } Directors.
W. T. JAMES
Secretary.

The common seal of the Mynyddislwyn Urban District Council was hereunto affixed in the presence of } Seal.

GEORGE CURTIS
Chairman.
TREVOR C. GRIFFITHS
Clerk.

The common seal of the Bedwellty Urban District Council was hereunto affixed in the presence of } Seal.

EDGAR DAVIES
Chairman.
W. D. R. LEWIS
Clerk.

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PART II.

AN AGREEMENT made the seventh day of June one thousand nine hundred and twenty-six between THE GRIFFIN MOTOR COMPANY LIMITED whose registered office is situate at 16 Market Square Brynmawr in the county of Brecon (hereinafter called "the Griffin Company" which expression where the context so admits shall include their successors and assigns) of the first part THE VALLEYS MOTOR BUS SERVICES LIMITED whose registered office is situate at Tredegar in the county of Monmouth (hereinafter called "the Valleys Services" which expression where the context so admits shall include their successors and assigns) of the second part WESTERN SERVICES LIMITED whose registered office is situate at Charles Street Tredegar in the county of Monmouth (hereinafter called "the Western Services" which expression where the context so admits shall include their successors and assigns) of the third part the URBAN DISTRICT COUNCIL OF MYNYDDISLWYN (hereinafter called "the Mynyddislwyn Council") and the URBAN DISTRICT COUNCIL OF BEDWELLTY (hereinafter called "the Bedwellty Council") on behalf of the West Monmouthshire Omnibus Board to be incorporated under the Bill hereinafter mentioned of the fourth part the MYNYDDISLWYN COUNCIL on their own behalf of the fifth part and the BEDWELLTY COUNCIL on their own behalf of the sixth part.

WHEREAS the Mynyddislwyn Council are promoting in the present session of Parliament a Bill (hereinafter referred to as "the Bill") intituled "A Bill to empower the urban district "council of Mynyddislwyn to acquire lands and easements for an "arterial road and to provide and run omnibuses to make "further provision in regard to the electricity and gas undertakings of the Council and to the health good government and "finances of their district to impose obligations upon the London "Midland and Scottish Railway Company with regard to the "level crossing at Pontllanfraith and for other purposes":

And whereas by the Bill as proposed to be amended in accordance with certain clauses and amendments to be inserted

therein on a petition for additional provision which has been duly deposited it is proposed to constitute and incorporate a Board (hereinafter referred to as "the Board") to be called "the West Monmouthshire Omnibus Board" representing the Mynyddislwyn Council and the Bedwellty Council and to authorise the Board to provide and run omnibuses in manner set forth in the Bill as so proposed to be amended and to exercise other powers also therein set forth :—

And whereas the parties hereto of the first second and third parts have deposited in the House of Commons a joint petition against the Bill :

Now it is hereby agreed between the parties hereto as follows :—

1. If the Bill as so proposed to be amended shall be duly passed into law in the present session of Parliament the Griffin Company and the Valleys Services shall respectively sell to the Board and the Board shall purchase the omnibuses garage and other property recently acquired by them respectively for the purposes of the omnibus services which were being run by them at the seventeenth day of March one thousand nine hundred and twenty-six on routes wholly within the urban districts of Mynyddislwyn and Bedwellty and the routes between the said districts or either of them and Ystrad Mynach (all of which routes are hereinafter referred to as "interior routes") and also the benefit of the time-tables applicable to the said services Particulars of the said omnibuses garage and other property are set forth in the Schedule hereto annexed under the names of those of the parties hereto of the first and second parts to whom they respectively belong.

2. The consideration or terms for or upon which the said omnibuses garage and other property and the benefit of the said time-tables shall be purchased by the Board as aforesaid shall be as follows (that is to say) :—

In the case of the Griffin Company the payment to them by the Board of the sum of seven thousand five hundred and twenty-four pounds and in the case of the Valleys Services the payment to them by the Board of the sum of one thousand two hundred and seventy-five pounds eight shillings and sixpence.

3. The said sale and purchase shall be completed on the eighteenth day of October one thousand nine hundred and twenty-six at Blackwood in the county of Monmouth when the consideration moneys shall be paid by the Board to the Griffin Company and Valleys Services respectively and such parts of the premises hereby agreed to be sold as will pass by delivery shall be handed over to the Board and the Griffin Company and

A.D. 1926. Valleys Services and all other persons (if any) shall execute and do all such assurances and things as may be necessary for vesting in the Board the premises hereby agreed to be sold and giving to the Board the full benefit of this agreement.

4. After the completion of the said sale and purchase the provisions contained in the six next following clauses hereof shall apply for a period of ten years from the date of the said completion and if and so far as the option hereinafter mentioned shall not be exercised by the Board the said clauses shall continue to apply for a further period of ten years from the expiration of the original period of ten years.

5. Unless otherwise agreed between the Board and the Valleys Services no omnibus of the Board other than an omnibus running on such part of the through route from Tredegar to Blackwood as lies between Hollybush and Blackwood according to the time-table of the Sirhowy Valley Motor Transport Company Limited in operation on the said seventeenth day of March one thousand nine hundred and twenty-six (the benefit of which time-table shall have been acquired by the Board) shall be run less than fifteen minutes before an omnibus of the Valleys Services is timed (according to the time-table of the Valleys Services which was in force at the said seventeenth day of March one thousand nine hundred and twenty-six) to run upon the said part of the said through route Provided that in no event shall any omnibus of the Valleys Services be run on the said part of the said through route otherwise than in accordance with their said time-table.

6. Unless otherwise agreed between the Board and the Western Services no omnibus of the Board other than an omnibus running on such part of the through route from Tredegar to Newport as lies between Pontllanfraith and Ynysddu according to the time-table of the Griffin Company in operation on the said seventeenth day of March one thousand nine hundred and twenty-six (the benefit of which time-table shall have been acquired by the Board) shall be run less than fifteen minutes before an omnibus of the Western Services is timed (according to the time-table of the Western Services in operation at this date) to run on the said part of the said through route Provided that in no event shall any omnibus of the Western Services be run on the said part of the said through route otherwise than in accordance with their said time-table.

7. Unless otherwise agreed between the Board and Western Services no omnibus of the Board other than an omnibus running on such part of the through route from Tredegar to Newport as lies between Hollybush and Blackwood according to the time-table of the Sirhowy Valley Motor Transport Company Limited in operation on the said seventeenth day of March one thousand

nine hundred and twenty-six (the benefit of which time-table shall have been acquired by the Board) shall be run less than fifteen minutes before an omnibus of Western Services is timed (according to the time-table of Western Services in force at this date) to run upon the said part of the said through route Provided that in no event shall any omnibus of the Western Services be run on the said part of the said through route otherwise than in accordance with their said time-table.

8. Unless otherwise agreed between the Board and Western Services no omnibus of the Board other than an omnibus running on such part of the through route from Blackwood to Pontypool as lies between Pontllanfraith and Oakdale according to the time-tables of the services to be acquired by the Board in operation on the said seventeenth day of March one thousand nine hundred and twenty-six shall be run less than ten minutes before an omnibus of Western Services running from Blackwood to Pontypool Provided that in no event shall any omnibus of Western Services be run at less intervals than one hour.

9. Unless otherwise agreed between the Board and the Vendors and Western Services the Board shall not either itself or by means of a combination or working agreement with other local authorities companies or persons operate any omnibus service or run any omnibuses on any through route now operated upon by the Vendors and Western Services or either of them outside the urban districts of Mynyddislwyn and Bedwellty and beyond the limits hereinbefore prescribed for interior routes Provided that this clause shall not be deemed to prevent the Board from operating any services agreed to be acquired by them on the passing into law of the Bill.

10. The Mynyddislwyn Council and the Bedwellty Council respectively undertake (so far as they legally can do so) to renew from time to time the licences which at the said seventeenth day of March one thousand nine hundred and twenty-six were held by the Vendors and the Western Services or any of them to ply for hire on any such through routes as aforesaid Provided that the Vendors and the Western Services shall operate only on their respective through routes as existing on the said seventeenth day of March one thousand nine hundred and twenty-six for the purposes of their through services Provided also that any such renewal may be granted subject to any undertakings or conditions which at the said seventeenth day of March one thousand nine hundred and twenty-six applied to the licence which then stood in place of the licence to which such renewal relates.

11. At the expiration of the said original period of ten years the Board shall have the option by giving six months' previous

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notice in writing to the Vendors and Western Services or any or either of them to require the company or companies to whom such notice is given to sell to the Board the whole (or if mutually agreed any part) of the omnibuses garages and other property then used by any or either of them for the purposes of services on any of the said through routes and thereupon such company or companies shall sell to the Board and the Board shall purchase the whole (or if agreed as aforesaid any part) of the property in respect of which the said notice is given The terms upon which any such sale and purchase shall be carried into effect shall be such as may be agreed between the Board and the said company or companies by whom the property is sold or as failing such agreement may be determined by arbitration in accordance with the provisions hereinafter contained.

12. The Vendors and Western Services shall forthwith withdraw their said joint petition and discontinue their opposition to the Bill and in the event of the Bill being passed into law the Board shall on the said eighteenth day of October one thousand nine hundred and twenty-six pay to the Vendors and Western Services the sum of twenty pounds towards the costs of the said joint petition.

13. The Vendors shall duly and efficiently maintain and manage the undertaking and property to be taken over by the Board under this agreement until the said date of completion and shall on such date deliver the same to the Board in good and proper condition Any adjustment in respect of depreciation shall be settled by Douglas Francis Adey on behalf of the Board and the Vendors as the case may be and failing agreement shall be determined by arbitration in accordance with the provisions hereinafter contained.

14. Any matter which under this agreement is to be determined by arbitration shall be referred to a single arbitrator to be agreed upon by the parties as between whom the matter is to be determined or failing such agreement to be appointed by the Minister of Transport on the application of either of such parties and save as aforesaid the Arbitration Act 1889 or any statutory modification thereof for the time being in force shall apply to the arbitration.

15. This agreement is made subject to the approval of Parliament and to such alterations as Parliament may think fit to make therein but if the Committee of the House of Lords to whom the Bill is referred shall make any material alteration in this agreement it shall be competent to any party hereto by notice in writing to that effect given to the other parties hereto to withdraw from this agreement and thereupon this agreement shall become and be absolutely determined.

In witness whereof the said parties hereto have hereunto caused their common seals to be affixed the day and year first before written. A.D. 1926.

The SCHEDULE.

THE GRIFFIN COMPANY.

One A.E.C. 26-seater saloon bus.
One Leyland 26-seater saloon bus.
One Daimler C.K. 26-seater saloon bus.
One Reo 14-seater saloon bus.
Two Dennis 32-seater saloon buses.
One leasehold garage situate at Ystrad Mynach.
Stores including one Overland car one Humber car and two Daimler char-a-bancs.

VALLEYS SERVICES.

One Albion 22-seater saloon bus.
One Commer bus.
One petrol pump.

The common seal of the Griffin Motor Company Limited was hereunto affixed in the presence of } Seal.

THOMAS J. JONES } Directors.
GUY BOWN
GUY BOWN
Secretary.

The common seal of the Valleys Motor Bus Services Limited was hereunto affixed in the presence of } Seal.

J. H. WATTS
Director and Secretary.
A. J. WATTS
Director.

The common seal of Western Services Limited was hereunto affixed in the presence of } Seal.

T. R. JENKINS
Director and Secretary.
FRED HARLEY
Director.

A.D. 1926.

The common seal of the Mynyddislwyn Urban District Council was hereunto affixed in the presence of } Seal.

GEORGE CURTIS
Chairman.

TREVOR C. GRIFFITHS
Clerk.

The common seal of the Bedwellty Urban District Council was hereunto affixed in the presence of } Seal.

EDGAR DAVIES
Chairman.

W. D. R. LEWIS
Clerk.

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