CHAPTER cxvii.

A.D. 1891.

An Act for conferring powers on the Local Board for the district of Penmaenmawr in the county of Carnarvon for the construction of additional waterworks and the raising of moneys and in relation to the local government of the district and for other purposes.

[21st July 1891.]

WHEREAS the district of Penmaenmawr in the county of Carnarvon (in this Act called "the district") is an urban sanitary district under the management and subject to the jurisdiction of the Local Board for the district (in this Act called "the Local Board") who are under the Public Health Act 1875 the urban sanitary authority for the district:

And whereas the Local Board have acquired and established waterworks and are now supplying part of the district with water but such supply is insufficient and it is expedient that the Local Board be empowered to hold and maintain their existing waterworks and to provide an increased supply of water for the district and to construct the additional waterworks by this Act authorised and to raise and apply moneys as by this Act provided:

And whereas it is expedient that such further powers be conferred upon the Local Board and such further provisions made with respect to the Local Board and the local government of the district as are in this Act contained:

And whereas estimates have been prepared by the Local Board for the purchase of land and for the execution of the works by this Act authorised and such estimates amount to the sum of seven thousand pounds:

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

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And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the twenty-eighth day of October one thousand eight hundred and ninety after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Carnarvon and Denbigh Herald a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the district:

And whereas such resolution was published twice in the said newspaper and has received the approval of a Secretary of State and of the Local Government Board:

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

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

And whereas plans and sections describing the lines situations and levels of the works authorised by 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 the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Carnarvon and are in this Act referred to as the deposited plans sections and book of reference:

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

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

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Penmaenmawr Local Board Act 1891.

Act divided into parts.

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

Part I.—Preliminary ;
Part II.—Water ;
Part III.—Promenade and Sands ;
Part IV.—Licensing ;
Part V.—Police ;
Part VI.—Finance—borrowing ;
Part VII.—Miscellaneous.

Provisions of certain general Acts incorporated.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely :—

The Lands Clauses Acts ;

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

The Waterworks Clauses Act 1863 ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoirs by this Act authorised.

Interpretation of terms.

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

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

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

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

And in this Act unless the context otherwise requires—

"The Local Board" means the Local Board for the district of Penmaenmawr ;

"The district" means the Urban Sanitary District of Penmaenmawr ;

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

"Water revenue" means all money received by the Local Board in respect of water supply on revenue account under the Public Health Act 1875 or this Act;

"The water undertaking" means and includes all the waterworks mains and pipes from time to time acquired constructed or laid or authorised to be constructed or laid by the Local Board under the Public Health Act 1848 the Public Health Act 1875 or this Act and the lands and water rights acquired for the purposes thereof;

"The Public Health Acts" means the Public Health Act 1875 and any Act for the time being in force amending the same:

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the Acts in whole or in part incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be executed by Local Board.

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

Limits of Act.

6. This Act except where otherwise expressed or implied shall apply exclusively to the district.

Part II.—Water.

Water limits.

7. The limits of this Act for the supply of water shall be the district.

Power to take lands

8. Subject to the provisions of this Act the Local Board may for the purposes of the works by this Act authorised enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference and they may also acquire all outstanding interests in any lands and property now held and used by them for the purposes of their existing

waterworks Provided that notwithstanding anything in this Act contained it shall not be lawful for the Local Board to take of the common or commonable lands known as Nantdlcr Llwynog situate in the parish of Dwygyfylchi in the county of Carnarvon more than two acres.

Power to hold existing waterworks.

9. Subject to the provisions of this Act the Local Board may hold for all the estate and interest of the Local Board therein and may continue and maintain their existing waterworks situate in the parish of Dwygyfylchi in the county of Carnarvon consisting of—

(A) A reservoir numbered 474 on the $\frac{1}{2500}$ Ordnance map of the said parish situate in a field numbered 473 on the same map:

(B) An aqueduct conduit or line of pipes commencing in the said reservoir and terminating in the public road known as Fernbrook road between a house called Tabet and Merton School House:

(C) All lands springs streams waters conduits mains pipes apparatus works and conveniences lawfully used by the Local Board for or in connexion with the supply of water.

Power to make waterworks.

10. Subject to the provisions of this Act the Local Board may make and maintain in and according to the lines situations and levels shown on the deposited plans and sections the works hereinafter described The works herein-before referred to will be wholly situate in the said parish of Dwygyfylchi and county of Carnarvon and are—

(1) A reservoir (No. 1) to be situate on a stream which is a tributary of the stream called or known as Afon Gyrach and which tributary joins or unites with the said Afon Gyrach at a point ninety yards or thereabouts (measured along the course of that stream) from the sheepfold which is situate six hundred and sixty yards or thereabouts from and to the west of Waen Gyrach and which reservoir will be formed by means of an embankment or dam across the valley of the said tributary at a point two hundred and fifty yards or thereabouts (measured along the course of the said streams) from the said sheepfold and which embankment or dam will commence at a point fourteen yards or thereabouts from and on the east side of the centre of the said tributary and terminate at a point fourteen yards or thereabouts from and on the west side of the centre of the said tributary the said reservoir to extend in a southerly direction

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for a distance of seventy yards or thereabouts from the said embankment or dam :

(2) A service reservoir or tank to be situate in the southern corner of a field or enclosure numbered 465 on the $\frac{1}{2500}$ Ordnance map of the said parish and one hundred and seventy-five yards or thereabouts from and to the eastward of the entrance gate to the residence called or known as Plas Ucha :

(3) An aqueduct conduit or line of pipes (No. 1) commencing in the intended reservoir No. 1 and terminating in the proposed service reservoir or tank above described :

(4) An aqueduct conduit or line of pipes (No. 2) commencing in the proposed service reservoir or tank above described and terminating in the existing reservoir of the Local Board :

(5) An aqueduct conduit or line of pipes (No. 3) commencing in the said stream called or known as Afon Gyrach at a point five hundred yards or thereabouts measured up and along the course of that stream from the said sheepfold and terminating in the intended reservoir (No. 1) :

Together with all necessary and proper embankments walls filtering beds dams drains sluices conduits culverts channels pipes buildings machinery roads approaches and other works and conveniences connected with the said works or any of them or necessary in connexion with the impounding collecting utilising and distributing the waters of the springs and streams and other waters which by this Act the Local Board are empowered to divert impound and appropriate.

Power to take waters.

11. Subject to the provisions of this Act the Local Board may from time to time for the purpose of their water undertaking collect impound take use divert and appropriate such of the waters of the said Afon Gyrach and the tributary thereof mentioned in the preceding section of this Act as can or may be intercepted collected impounded or diverted by the Reservoir No. 1 and the aqueduct conduit or line of pipes No. 3 by this Act authorised.

For the protection of John Jackson Sudbury.

12. Before the Local Board collect impound take use divert and appropriate any of the waters of the said Afon Gyrach and the said tributary thereof mentioned in section 10 of this Act they shall pay to John Jackson Sudbury or his heirs successors in estate or assigns or other the owner or owners for the time being of the lands now belonging or reputed to belong to the said John Jackson Sudbury situate in the said parish of Dwygyfylchi in the county of Carnarvon and called or known as the Fairy Glen (all of whom are in this section included in the expression "the owner") the sum of two thousand pounds and such sum shall be taken and accepted by the

owner as full compensation to the owner and to any lessee or occupier of the said Fairy Glen for the collecting impounding taking using diverting and appropriating of the whole of the waters of the said Afon Gyrach and the tributary thereof at the point where the Reservoir No. 1 by this Act authorised is intended to be constructed and at the point of commencement of the aqueduct conduit or line of pipes Number 3 by this Act authorised and for all the estate right and interest of the owner and of any lessee or occupier of the said Fairy Glen in or to such waters and for all loss damage or injury sustained by the owner and by any lessee or occupier of the said Fairy Glen by reason of the construction or maintenance of the works by this Act authorised or by reason of the exercise of any of the powers of this Act over or with respect to any lands waters or hereditaments of the owner or of such lessee or occupier or in which they are interested and also as full compensation for the taking or using or injuriously affecting of any lands of the owner or in which the owner is interested.

Power to deviate.

13. In constructing the waterworks and other works by this Act authorised or any of them the Local Board may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards in the case of the reservoirs and five feet upwards or downwards in respect of any other work Provided always that the height of the embankments or retaining walls of the reservoirs as respectively shown on the deposited sections above the general surface of the ground shall not be increased by reason of any such lateral deviation as aforesaid.

Period for compulsory purchase of land.

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

Power to take additional lands by agreement.

15. The Local Board may from time to time for the purposes of their water undertaking purchase by agreement and hold any lands not exceeding twenty acres in addition to the lands which by this Act they are authorised to take by compulsion but the Local Board shall not create or permit any nuisance on any such lands nor use any such lands for any building except buildings required for or used in connexion with their water undertaking.

Power to take easements &c. by agreement.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the pro-

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visions of those Acts and of this Act grant to the Local Board any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Reservation of water rights &c. on sale.

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

Application of moneys derived from sale of surpluslands.

18. The proceeds of the sale of any surplus lands of the Local Board under the powers of this Act shall be applied towards the extinguishment of any loan borrowed by the Local Board under the powers or for the purposes of this Act and shall be in addition to and not in substitution for any other mode of repayment by this Act provided.

Time for completion of works.

19. The waterworks and other works by this Act authorised shall be completed within ten years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Local Board for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as are or is then completed but nothing in this section shall restrict the Local Board from extending enlarging altering or renewing their works mains and pipes from time to time whenever such extension enlargement alteration or renewal may be necessary for the purpose of increasing or distributing the supply of water within the district.

Restriction on taking houses of labouring class.

20. The Local Board shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

For protection of the London and North Western Railway Company.

21. The following provisions for the protection of the London and North Western Railway Company (herein-after referred to as "the railway company") shall be in force and have effect and be binding upon the Local Board:—

In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or reparable or used by the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans and sections submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Local Board and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of such mains pipes or works under or near to any such bridge or level crossing the Local Board shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the Local Board by all and the same means as any simple contract debt is recoverable.

Constant supply and pressure.

22. The water to be supplied by the Local Board shall be constantly laid on under pressure but the Local Board shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the existing reservoir of the Local Board and the service reservoir or tank by this Act authorised.

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Rates for water supply.

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

If the rateable value of the premises supplied with water does not exceed seven pounds the rate or sum of eight shillings and eightpence per annum :

If the rateable value exceeds seven pounds and does not exceed twenty pounds at a rate per centum per annum not exceeding seven pounds ten shillings :

If the rateable value exceeds twenty pounds and does not exceed fifty pounds at a rate per centum per annum not exceeding seven pounds :

If the rateable value exceeds fifty pounds at a rate per centum per annum not exceeding six pounds ten shillings.

Definition of rateable value.

24. The rateable value shall for the purposes of the last preceding section be ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid The apportionment in case of dispute to be determined by two justices.

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

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

Byelaws for preventing waste of water.

26. For preventing waste misuse erroneous measurement or contamination of the water of the Local Board the following provisions shall have effect (that is to say) :—

(1.) The Local Board may from time to time make byelaws for the purpose of preventing waste or misuse erroneous measurement or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion

alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or misuse erroneous measurement or contamination.

(2.) No such byelaws shall be of any force or effect except within the part or parts of the district which the Local Board are for the time being bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure.

(3.) In the case of failure of any person to observe such byelaws as are for the time being in force the Local Board may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Local Board by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable.

(4.) Any person who shall offend against any such byelaws shall (without prejudice to any other right or remedy for the protection of the Local Board or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day on which such offence shall occur after conviction thereof and the Local Board may in addition thereto recover the amount of any damages sustained by them.

Charges for the supply of water for other than domestic purposes.

27. The Local Board may supply water for purposes other than domestic purposes by meter or otherwise and on such terms and conditions as shall be agreed on between the Local Board and the person requiring the supply and the moneys payable for the supply shall be recoverable as water rates are recoverable under the Waterworks Clauses Act 1847 and sections 68 to 74 (both inclusive) of that Act shall have effect accordingly Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

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Notice to Local Board of connecting or disconnecting meters.

28. Before any person connects or disconnects any meter through which any of the water of the Local Board is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Local Board of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Local Board and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Rate payable by owners for small houses.

29. Where the rateable value of a house supplied with water does not exceed seven pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a month the owner instead of the occupier shall pay the rate for the supply Provided that the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner but no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling house.

Application of water revenue.

30. The Local Board shall keep accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from income and shall apply all money from time to time received by them in respect of their water undertaking except borrowed money and money properly applicable on capital account as follows:—

In payment of the expenses properly chargeable to revenue of conducting managing and maintaining the waterworks and otherwise carrying on the water undertaking of the Local Board:

In payment of the interest upon money borrowed by the Local Board for their existing waterworks:

In payment of the interest upon money borrowed under this Act:

In providing the requisite instalments appropriations annual repayments or sinking fund in respect of money borrowed by the Local Board for their existing waterworks and under this Act respectively:

And any surplus revenue after deducting therefrom such reasonable sum as the Local Board may think fit for the purpose of carrying on the water undertaking shall be carried to the credit of the district fund.

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31. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon the deficiency shall be made up out of the district fund and general district rate by carrying an adequate sum therefrom to the credit of the water account and the Local Board from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the district may include therein such sums (if any) as in the judgment of the Local Board are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account and shall collect the same as part of such general district rate.

Any deficiency in water account to be made up out of general district rate.

Part III.—Promenade and Sands.

32. The Local Board may from time to time make byelaws for all or any of the following purposes (that is to say) :—

Local Board may make byelaws as to user of parades &c.

For regulating the erection on the promenade and sands within or in front of the district of any booths tents sheds stands stalls shows exhibitions swings roundabouts or other erections and the playing of any games on the said promenade and sands and generally for regulating the user for such purposes as shall be prescribed by the byelaws of the said promenade and sands or any part thereof :

For regulating the selling and hawking of any article commodity or thing on the promenade or sands :

For regulating the user of the said promenade and sands or any part thereof for riding and driving and for the preservation of order and good conduct among persons frequenting the promenade and sands :

Provided that no byelaws to be made under the provisions of this section shall extend or apply to any railways land or property belonging or leased to or occupied by the London and North Western Railway Company.

Part IV.—Licensing.

33.—(1) The Local Board may from time to time grant to every person they think fit a licence to carry on the calling of luggage porter light porter public messenger or commissionaire and may charge a fee of one shilling for any such licence.

Power to licence persons following certain callings.

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(2) Any licence issued by the Local Board under this Act may be suspended or revoked or endorsed by the Local Board whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public Provided that the existence of this power to suspend or revoke or endorse a licence shall be plainly set forth in the licence itself.

Conditions as to licences.

34. Every licence whensoever issued shall expire on the first day in the month of June next following the date of its issue and may contain conditions as to the badge which the holder of any such licence shall wear.

Appeal against suspension of licences.

35. If any person feels himself aggrieved by the suspension or revocation of his licence he may appeal to a court of summary jurisdiction and such court may either confirm or annul such suspension or revocation or make such order in the matter as shall appear to it expedient.

Penalty on persons misrepresenting themselves to be licensed.

36. If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the callings specified in the foregoing section in this Part of this Act whereof the marginal note is "Power to licence persons following certain callings" he shall be liable to a penalty not exceeding twenty shillings.

Part V.—Police.

Street musicians to depart on request.

37. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Part VI.—Finance—Borrowing.

Power to borrow for purposes of Act.

38. The Local Board may from time to time borrow for the purposes of and in manner provided by this Act any sum or sums not exceeding the sum of nine thousand pounds (that is to say seven thousand pounds for the works by this Act authorised and two thousand pounds for the payment of the compensation provided for by section 12 of this Act) and with the approval of the Local Government Board such further moneys as may be necessary for carrying into effect the purposes of this Act or otherwise in relation

to their water undertaking and for the payment of the costs provided for by the last section of this Act the amount of such costs and the Local Board may mortgage the revenue of their water undertaking and the district fund and general district rate (or either of those securities) to secure the repayment of the moneys borrowed with interest.

The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

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

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

Provisions of Public Health Act as to mortgages to apply.

40. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236. Form of mortgage.
Section 237. Register of mortgages.
Section 238. Transfer of mortgages.
Section 239. Receiver may be appointed in certain cases.

Periods for payment off of money borrowed.

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

As to moneys borrowed for waterworks purposes within the limit of nine thousand pounds within fifty years from the date or dates of the borrowing of the same respectively:

As to moneys borrowed for the payment of the costs provided for by the last section of this Act within ten years from the date of the borrowing of the same:

As to moneys borrowed for waterworks purposes with the approval of the Local Government Board within such period as that Board may think fit to sanction.

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Power to borrow under Local Loans Act 1875.

42. The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

All moneys borrowed in accordance with this section shall be a charge upon and shall be paid out of the same rate and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rate and security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

All moneys borrowed in accordance with this section shall be discharged within the prescribed periods.

Payment off of money borrowed.

43. The Local Board shall pay off all money borrowed by them under the powers of this Act by any one or more of the methods mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act shall apply accordingly.

Investment of sinking fund.

44. All sums paid into any sinking fund formed under this Act shall be as soon as may be invested by the Local Board in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock or other securities authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Local Board and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and be invested by the Local Board in like manner.

Power to reborrow.

45. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Local Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Protection of lender from inquiry.

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

Audit of accounts.

47. Sections 245 247 (except so much thereof as is repealed by the District Auditors Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Local Board under this Act and to the audit of such accounts.

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

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

A.D. 1891.

Application of money borrowed.

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

Saving priority of existing charges.

50. All charges on the property revenues and rates of the Local Board existing immediately before the passing of this Act shall during their continuance have priority over any mortgages granted by the Local Board under the powers of this Act.

Part VII.—Miscellaneous.

General provisions as to byelaws.

51. All byelaws from time to time made by the Local Board under the powers of this Act shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 186 (both inclusive) of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority.

As to appeal.

52. Any person deeming himself aggrieved by any notice order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Local Board or of or by any officer or valuer of the Local Board or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable Court of Quarter Sessions under and according to the provisions of the Summary Jurisdiction Acts.

Penalties to be paid over to the treasurer &c.

53. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Local Board be paid to the treasurer of the Local Board and be by him carried to the credit of the district fund.

Public bands.

54. The Local Board may from time to time pay or contribute towards the payment of a public band of music for the district to perform in any street or other place of public resort within the district as the Local Board may prescribe Provided that the amount of such payments or contributions shall be paid out of the district fund and shall not in any one year exceed one penny in the pound on the rateable value of the district.

Saving the rights of the Crown in certain streams.

55. Nothing contained in this Act shall as between Her Majesty and the Local Board be held or deemed to estop or to have estopped or to prevent or prohibit Her Majesty Her heirs or successors or the Commissioners of Woods or Her or their grantee or grantees from exercising any rights which the Crown may now possess or but for the passing of this Act would or might have possessed of taking and using from time to time and at all times an adequate and sufficient supply of water from the said stream called or known

as Afon Gyrach and from the tributaries of the said stream or either of them or the brooks springs streams and waters feeding or running into or issuing from the same for the purpose of working and developing any mines minerals quarries and beds of stone slate or other substrata vested in Her Majesty or render the Crown liable to any claim for damages or otherwise from or in consequence of any diminution in the quantity or supply of the water in the said stream or the brooks springs streams and waters feeding or running into or issuing from the same or otherwise in consequence of the exercise of any such rights as aforesaid incidental to the working by Her Majesty Her heirs or successors or the Commissioners of Woods or such grantee or grantees as aforesaid of the said mines minerals quarries and beds of slate and stone or other substrata.

Saving rights of Crown in foreshore (Board of Trade).

56. Nothing contained in this Act shall authorise the Local Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

Expenses of Act.

57. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of the district fund and general district rate or out of moneys borrowed on the security thereof under the powers of this Act.

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