CHAPTER lxii.

An Act to authorise the Rhondda Urban District Council to construct a tramroad and additional waterworks to extend the periods limited by the Ystradyfodwg Urban District Council (Gas and Water) Act 1896 for the purchase of lands and construction of works and for other purposes. [13th July 1899.] A.D. 1899.

WHEREAS the Rhondda Urban District is co-extensive with the parish of Ystradyfodwg in the county of Glamorgan and is governed for local and sanitary purposes by the Rhondda Urban District Council (in this Act referred to as "the District Council"):

And whereas prior to the 30th day of July 1897 the Rhondda Urban District was known as the urban district of Ystradyfodwg but by a resolution of the urban district council of Ystradyfodwg with the sanction of the Glamorgan County Council the names of the district council and urban district were changed to that of the Rhondda Urban District Council and the Rhondda Urban District respectively:

And whereas by the Ystradyfodwg Urban District Council (Gas and Water) Act 1896 (herein-after called "the Act of 1896") the District Council were authorised to purchase and acquire the gas and water undertakings of the Ystrad Gas and Water Company and to make and maintain certain additional waterworks shown on the plans and sections deposited for and referred to in that Act:

And whereas the additional waterworks authorised by the Act of 1896 include an embankment for the purpose of raising the level of the water of Lake Llynfawr and aqueducts tunnel conduits and lines of pipes all of which the District Council are intending to construct but there is no available road in that mountainous district for the conveyance of machinery and materials required for the said works and the District Council have endeavoured to obtain a

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wayleave for that purpose but have been and are now unable to obtain such wayleave:

And whereas it is expedient that the District Council be authorised to construct and use the unfenced narrow gauge tramroad hereinafter described for the conveyance of machinery and materials for the before-mentioned waterworks and to use the same from time to time when necessary in the maintenance and repair of such waterworks:

And whereas it is expedient that the District Council be authorised and empowered to make and construct and use in connection with their water undertaking the further works herein-after described subject to the provisions of this Act:

And whereas it is expedient that the periods respectively limited for the compulsory purchase of lands for and the completion of the waterworks authorised by the Act of 1896 should be extended as herein-after provided:

And whereas it is expedient that the District Council should be empowered to borrow money as in this Act mentioned:

And whereas it is expedient that such further provisions as are in this Act contained be made with respect to the District Council:

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

And whereas estimates have been prepared by the District Council for the purchase of land for and the execution of the works by this Act authorised and such estimates amount to the sum of sixty thousand pounds and the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas plans and sections describing the lines situations and levels of the tramroad and works authorised by this Act and the lands which may be taken under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Glamorgan and are in this Act referred to as the deposited plans sections and book of reference:

And whereas an absolute majority of the whole number of the District Council at a meeting held on the 23rd day of December 1898 after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the South Wales Daily News and Western Mail local newspapers circulating in the district such notice being in addition to the ordinary notices

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required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the Glamorgan Free Press a newspaper circulating in the district and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the District Council at a further special meeting held in pursuance of a similar notice on the third day of February 1899 being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the said 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:

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 Rhondda Urban District Council Act 1899.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Works.
Part III.—Lands.
Part IV.—Extension of time.
Part V.—Financial and borrowing.
Part VI.—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 thereof with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts and except

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provisions enabling the Undertakers to cut off the supply of water for domestic purposes) and for the purpose of incorporation with this Act section 44 of the Waterworks Clauses Act 1847 shall be read and have effect as if the words "with the "consent in writing of the owner or reputed owner of any "such house or of the agent of such owner" were omitted from such section;

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 and with respect to the crossing of roads or other interference therewith and sections 11 12 15 and 16 of that Act shall extend and apply to the tramroad by this Act authorised and for the purposes of the said sections of that Act the tramroad shall be deemed to be a railway and the District Council shall be deemed to be a railway company.

Interpretation.

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same 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 expressions "the Undertakers" and "the Company" mean the District Council:

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

The expressions "the railway" and "the work" mean the tramroad and works connected therewith by this Act authorised:

And in this Act unless the context otherwise requires—

"The district" means the Rhondda Urban District;

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

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

"The Act of 1896" means the Ystradyfodwg Urban District Council (Gas and Water) Act 1896;

"The water undertaking" means the water undertaking of the District Council;

"Water revenue" means and includes all moneys received by the District Council for or in relation to the water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital.

Unless the subject or context otherwise requires the words and expressions to which meanings are assigned by the Public Health Act 1875 have in this Act the same respective meanings.

Act to be executed by District Council.

5. This Act shall be carried into execution by the District Council.

PART II.—Works.

Power to make tramroad and other works.

6. Subject to the provisions of this Act the District Council may form lay down use and maintain in the line and situation shown on the deposited plans and according to the levels shown on the deposited sections the tramroad herein-after described together with all necessary and proper rails plates sleepers junctions passing places sidings loops stables engines engine-houses sheds buildings arches piers abutments embankments works and conveniences connected therewith and may make and maintain in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections the waterworks and other works following and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes all of which tramroad waterworks and other works will be situate in the county of Glamorgan (that is to say) :—

(1) A tramroad (single line) 1 mile 1 furlong and 7 · 20 chains in length to be situate wholly in the hamlet or township of Rhigos and parish of Ystradyfodwg commencing in the northern fence of the enclosure No. 378 on the Ordnance map $\frac{1}{2500}$ scale (published 1877) of the hamlet or township of Rhigos aforesaid at a point distant 29 yards or thereabouts measured in a westerly direction from the western side of the ruin called Typica and terminating at a point distant 49 yards or thereabouts measured in an easterly direction from the point where the Nant Gwer-elech Brook flows out of the northern end of the Llynfawr Lake:

(2) A carriage road to be situate wholly in the hamlet or township of Rhigos and parish of Ystradyfodwg commencing at a point on the public road leading from Treherbert to Rhigos distant 360 yards or thereabouts from the south-eastern corner

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of the enclosure No. 595 on the Ordnance map $\frac{1}{2500}$ scale (published 1881) of the hamlet or township of Rhigos measured in a southerly direction along the said public road and terminating at the same point of termination as the Tramroad Work No. 1 before described:

(3) A well shaft and pumping station No. 1 to be situate in the parish of Ystradyfodwg in the enclosure No. 111 on the Ordnance map $\frac{1}{2500}$ scale (published 1877) of the said parish:

(4) A well shaft and pumping station No. 2 to be situate in the parish of Ystradyfodwg in the enclosure No. 115 on the Ordnance map $\frac{1}{2500}$ scale (published 1877) of the said parish:

(5) A well shaft and pumping station No. 3 to be situate in the parish of Ystradyfodwg in the enclosure No. 116 on the Ordnance map $\frac{1}{2500}$ scale (published 1877) of the said parish:

(6) A well shaft and pumping station No. 4 to be situate in the parish of Ystradyfodwg at a point distant 50 yards or thereabouts measured in a westerly direction from the north-western corner of the Tyn-y-waun reservoir belonging to the District Council in the said parish:

(7) A pumping station and tank to be situate at Blaen Clydach in the parish of Ystradyfodwg on a vacant piece of ground on the northern side of Jones Street distant 60 yards or thereabouts measured in a south-easterly direction from the south-eastern corner of Mount Zion English Wesleyan Chapel facing Clydach Road:

(8) An aqueduct conduit or line of pipes situate wholly in the parish of Ystradyfodwg commencing in the aforesaid pumping station and tank and terminating in the service tank next herein-after described:

(9) A service tank to be situate in the parish of Ystradyfodwg in the enclosure numbered 1,168 on the Ordnance map $\frac{1}{2500}$ scale (published 1880) of the said parish at a point distant 340 yards or thereabouts measured from the south-eastern corner of the said enclosure in a northerly direction along the eastern boundary of that enclosure.

Subsidiary works in connection with waterworks.

7. The District Council in addition to the foregoing waterworks may from time to time upon any lands acquired by them or to be acquired by them make and maintain all necessary and proper cuts channels adits shafts catchwaters aqueducts culverts tunnels drains sluices by-washes weirs gauges gauge-basins reservoirs tanks basins wells bore-holes water towers filter beds banks walls roads ways

approaches pipes engines pumps machinery telegraphic and telephonic apparatus and other appliances as may be necessary or convenient for obtaining filtering storing distributing using and preventing the fouling waste misuse and undue consumption of the water and the general purposes of the water undertaking of the District Council Provided that any telegraphs and telephones constructed under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869.

Tramroad and other works to form part of waterworks undertaking.

8. Subject to the provisions of this Act the tramroad and other works to be constructed under the authority of this Act shall for all other purposes whatsoever be deemed part of the waterworks undertaking of the District Council as if they had been authorised by or included or referred to in the Act of 1896.

Gauge and motive power of tramroad.

9. The tramroad shall be constructed on a gauge of three feet and the wagons or trucks thereon shall be moved by animal rope traction or haulage by means of wire or rope cables laid above or below the surface of the ground and worked by stationary engines.

Tramroad not to be fenced.

10. Where the tramroad or carriage road passes through any fence or crosses any public footpath suitable gates shall be erected across the tramroad or carriage road to make good any gaps made in the fences and prevent the straying of cattle or sheep but the tramroad or carriage road shall not be otherwise fenced so as permanently to sever any land through which it passes.

Height and span of bridge.

11. The District Council may make the arch of the bridge for carrying the tramroad over the road herein-after mentioned of any height and span not less than the height and span herein mentioned in connection therewith (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
19	Ystradyfodwg Township of Rhigos.	Public	15 feet	25 feet

Limits of deviation.

12. In the construction of the works authorised by this Act the District Council may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where in any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also

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deviate vertically from the levels shown on the deposited sections in manner in this section prescribed namely :—

As to the carriage road Work No. 2 not exceeding five feet either upwards or downwards;

As to the wells shafts and pumping stations Works No. 3 No. 4 No. 5 and No. 6 to any extent that may be necessary;

As to the other works not exceeding seven feet either upwards or downwards :

Provided that no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Time for completion of works.

13. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted 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 then completed.

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

14. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the District Council after giving ten days clear notice to the owners lessees and occupiers of the lands in question may apply to two justices for the county of Glamorgan for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Glamorgan and such certificate shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the District Council to take the lands and execute the works in accordance with such certificate.

Agreements with local or road authorities &c.

15. The District Council may enter into agreements with any local or road authorities or any owner or occupier of lands adjoining the tramroad with respect to the laying down altering maintaining renewing repairing working and using the tramroad and rails plates sleepers ways and works connected therewith and for facilitating the passage of traffic over or along the same.

PART III.—Lands.

Power to acquire additional lands.

16. Subject to the provisions of this Act the District Council may in addition to the other lands which they are authorised to acquire under the provisions of this Act enter upon take and use for the purposes of their water undertaking the lands herein-after described which are delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Certain lands in the hamlet or township of Rhigos in the parish of Ystradyfodwg being part of the enclosures numbered 583 and 585 on the Ordnance map $\frac{1}{2500}$ scale (published 1881) of the said hamlet or township of Rhigos lying to the northward of the Llynfawr Lake and adjoining lands which the District Council are empowered to acquire under the Ystradyfodwg Urban District Council (Gas and Water) Act 1896.

Period for compulsory purchase of lands.

17. The powers of the District Council for compulsory purchase of lands under this Act shall cease with respect to land required for the works and purposes of this Act other than Works No. 3 No. 4 No. 5 and No. 6 after the expiration of three years from the passing of this Act and with respect to land required for Works No. 3 No. 4 No. 5 and No. 6 after the expiration of five years from the passing of this Act.

Power to take additional lands by agreement.

18. The District Council may for any of the purposes of their water undertaking purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised to take by compulsion but the District Council shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any buildings except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to hold lands for protection of works.

19. The District Council may hold any lands acquired by them under the powers of this Act and which may in their opinion be necessary for the purpose of protecting their waters and waterworks against pollution nuisances encroachment or injury and so long as such necessity shall in the opinion of the District Council continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts Provided that the District Council shall not create or permit a nuisance and shall not erect or authorise or permit the erection on any such lands whilst so held by them of any buildings other than buildings necessary for or connected with their waterworks.

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Power to acquire easements only for aqueduct conduit and line of pipes.

20. The District Council may in lieu of acquiring any lands for the purpose of the aqueduct conduit or line of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of making maintaining cleansing repairing renewing and enlarging the said aqueduct conduit or line of pipes and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to limited owners and to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts:

Provided always that nothing herein contained shall authorise the District Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the District Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso:

Provided also that as regards any lands taken or used by the District Council for the purpose of making such aqueduct conduit or line of pipes the District Council shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the District Council.

Power to take easements &c. by agreement.

21. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the District Council any easement right or privilege (not being an easement right or privilege of water in which other than the grantors have an interest) 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 so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

For protection of Marquess of Bute.

22. For the protection of the Most Honourable John Patrick Crichton Stuart Marquess of Bute and Earl of Dumfries his sequels in estate and assigns all included in the expression "the Marquess"

when hereafter used the following provisions shall have effect unless otherwise agreed between the District Council and the Marquess :—

(1) Notwithstanding anything in this Act contained the District Council shall not otherwise than by agreement acquire any land of the Marquess for the purpose of the construction of the tramroad and the carriage road being the Works Nos. 1 and 2 by this Act authorised but the District Council may acquire and the Marquess shall grant to the District Council such easements in and upon such of the lands of the Marquess as may be necessary for the purpose of making and maintaining the said works the District Council paying the Marquess and his lessees and tenants compensation therefor :

(2) The Marquess his lessees and tenants shall have the following rights and powers with respect to the tramroad and carriage road respectively which rights and powers shall be exercisable in connection with the use of the property of the Marquess for building mining manufacturing agricultural or any other purposes :—

(A) The right freely to use the said carriage road for all purposes ;

(B) The right to cross and pass over the said tramroad and carriage road and also to construct and lay down maintain and use either upon the level or by means of bridges or subways roads railways or tramways across over or under the said tramroad and carriage road or either of them ;

(C) The right to construct maintain and use over or under the said tramroad and carriage road or either of them sewers drains pipes watercourses wires ropes and means of communication of any kind ;

(D) The right to use the said tramroad in any reasonable manner :

Provided always that the rights conferred upon or reserved to the Marquess his lessees and tenants by this subsection shall be exercised in such a manner as not unnecessarily to interfere with the user of the said tramroad and carriage road for the purposes for which the District Council require the same :

(3) The District Council shall from time to time pay to the Marquess his lessees or tenants the amount of any additional expense which he or they may properly incur in constructing any road railway tramway or other means of communication sewer drain or watercourse by reason of the existence of the said tramroad or carriage road whether such expense shall be incurred in constructing bridges or subways over or under the

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said tramroad or carriage road or otherwise and also the expenses from time to time incurred in constructing and maintaining any level crossings of or for any railway or tramway which may be constructed to cross the said tramroad or carriage road on the level including the cost of constructing maintaining and working any necessary gates signals and signalling apparatus so far as the same shall be necessary on account of the traffic of the District Council:

(4) Notwithstanding any works authorised or powers conferred upon the District Council by this or any other Act the Marquess his lessees and tenants shall be at liberty from time to time without let or hindrance to cultivate and manure the land on the estate of the Marquess and to sink pits work mines and erect works and buildings upon or under any part or parts of his estate as freely and fully as if no such works had been authorised or powers conferred upon the District Council and the District Council shall at their own expense from time to time construct and maintain such sewers intercepting drains or other works as may be found necessary to intercept and carry away all foul or impure water and sewage caused by or arising from any such pits mines works or buildings or from agricultural operations and prevent the same from flowing into any streams or other sources of water supply of the District Council above the point at which the waters of such streams or other sources of supply shall or may be taken by the District Council and for the purpose of constructing such sewers intercepting drains or other works the District Council may purchase and acquire an easement in the lands of the Marquess his lessees and tenants Provided that this subsection shall be deemed to apply only so as to prevent objection by the District Council to the exercise by the Marquess his lessees or tenants of such rights as aforesaid on the ground of pollution of water and nothing in this subsection contained shall prejudice or affect the right of the District Council to support in respect of any of the works by this Act authorised under the provisions of the Waterworks Clauses Act 1847:

(5) The District Council shall from time to time make good any damage which the Marquess or his lessees or tenants of any mines or mineral workings may sustain during the construction or maintenance of any waterworks of the District Council whether constructed under this or any other Act by reason or in consequence of the bursting leaking overflow defect or giving way of any reservoir tunnel aqueduct main pipe or other

work of the District Council and shall compensate and pay the Marquess and his said lessees or tenants for any damage loss or injury done or occasioned to any mines minerals or colliery workings by reason of the construction of any works of the District Council or any such bursting leaking overflow defect or giving way as aforesaid unless such damage loss or injury be due to some act on the part of the Marquess his lessees or tenants not in accordance with the proper working of the mines and minerals according to the custom of mining in the district:

(6) The Marquess and his lessees or tenants of any mines or minerals shall not be responsible or in any way liable to make good or pay any compensation for any injury or damage to the reservoirs tunnel aqueducts mains pipes tramroad carriage road or works of the District Council whether constructed under this or any other Act which may be occasioned or arise directly or indirectly by subsidence or otherwise through or in connection with the working of the minerals Provided that no wilful damage be done to the works of the District Council and the mines be not worked in an unusual manner or contrary to the custom of mining in the district and that no earth or rubbish be disposited on any part or parts of the conduits of the District Council without six calendar months previous notice in writing being given to the District Council who are to be at liberty on receipt of such notice to make an arch over the conduit or conduits or such part or parts thereof as they shall think fit And provided also that the Marquess and his lessees and tenants of any mines or minerals shall from time to time and at all times give every reasonable facility to the District Council of inspecting the underground workings of the mines and minerals and the working plans thereof and taking copies of such plans and of causing such plans to be from time to time corrected showing the workings up to date and the Marquess and his lessees or tenants shall not be required to give to the District Council any notice as provided by section 22 of the Waterworks Clauses Act 1847 but the District Council shall be at liberty to pay compensation for such mines and minerals to the Marquess his lessees and tenants and in other respects the said section shall apply as if such notice had been given:

(7) Notwithstanding anything in this or any other Act contained and notwithstanding the acquisition of Lake Llynfawr or any property powers or rights by the District Council the Marquess

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his lessees or tenants may require the District Council to deliver and the District Council shall thereupon deliver such supply of water from Lake Llynfawr at such point as shall be agreed between Sir William Thomas Lewis Baronet or the agent for the time being on behalf of the Marquess and Togarmah Rees or the engineer for the time being on behalf of the District Council as may be required for the use of any mines collieries or other works not exceeding in the whole 30,000 gallons in any one day of twenty-four hours and shall also deliver (if and when required by the Marquess or his lessees and tenants) into the Nant Gwer-elech Brook for the use of the Marquess his lessees or tenants such further supply as he or they may reasonably require for sheep washing or other agricultural or farming purposes on the farms called Baily Glâs Hendrefawr and Gwrangon and the Marquess his lessees and tenants may make such ponds and watercourses as they may think necessary Provided that in the construction of such ponds or watercourses no avoidable injury shall be done to any of the works of the District Council :

(8) The District Council shall at all times be liable to pay and shall pay to the Marquess his lessees or tenants damages for the loss of or injury to any horses cattle or other animals which may be occasioned by the construction or working of the said tramroad or carriage road which damages shall be recoverable in any court of competent jurisdiction :

(9) All differences which shall at any time arise between the District Council and the Marquess his lessees or tenants as to the performance or observance of the provisions of this section shall be determined by an arbitrator to be appointed by the District Council and the Marquess his lessees or tenants as the case may be or (if for one month after the difference arises the parties in difference do not agree upon an arbitrator) by the Local Government Board upon the application in writing of either of the parties and the decision of every such arbitrator by whomsoever appointed shall be binding and conclusive upon the parties in difference and the costs of the arbitration shall be in his discretion.

For protection of Earl of Dunraven and his lessees.

23. For the protection of the Right Honourable Windham Thomas Earl of Dunraven and Mount Earl and his successors in estate the owner of the farms called Tydraw and Ystrad Ffernol and his lessees and tenants or other the owners lessees and occupiers for the time being of the mines and minerals under the said farms who are all comprised in the expression "owner and lessees"

wherever employed or referred to in this section the following provisions shall have effect :—

(1) The District Council shall maintain and keep the well shafts to be constructed by them under the powers of this Act watertight in all respects and shall from time to time make good any damage which the owner and lessees may sustain during the construction or maintenance of such well shafts by reason or in consequence of the bursting leakage or overflow of such well shafts and nothing in this Act contained shall relieve the District Council from liability to compensate and pay the owner and lessees for any damage loss or injury done or occasioned to any mines minerals or colliery workings by reason or in consequence of the construction or leakage of the said well shafts unless the said damage be due to some act on the part of the owner or lessees not in accordance with the proper working of the mines and minerals according to the custom of mining in the district :

(2) The owner and lessees shall not be responsible or in any way liable to make good or to pay compensation for any injury or damage to the well shafts of the District Council constructed under the powers of this Act which may be occasioned or arise directly or indirectly by subsidence or otherwise Provided that no wilful damage be done to the works of the District Council and the mines be not worked in an unusual manner or contrary to the custom of mining in the district And provided also that the owner and lessees shall from time to time and at all times after the passing of this Act give every reasonable facility to the District Council of inspecting the underground working of the mines and minerals lying under or within fifty yards of the well shafts constructed under the powers of this Act and the working plans thereof and of taking copies of such plans and of causing such plans to be from time to time corrected showing the workings up to date and the owner and lessees shall not be required to give to the District Council any notice as provided by section 22 of the Waterworks Clauses Act 1847 but the District Council shall be at liberty to pay compensation for such mines and minerals lying under or within fifty yards of the well shafts so to be constructed as aforesaid to the owner and lessees and in other respects the said section shall apply as if such notice had been given :

(3) From and after the passing of this Act in addition to the provisions of subsection 10 of section 29 of the Act of 1896 the following provisions shall have effect If at any time there is

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not sufficient water flowing down the stream which is formed by the confluence of the streams known as the Nant-y-Selsig Nant-y-gwair Nant-yr-ychain Nant-Lluest where it passes the Dunraven Colliery belonging to the owner and lessees to supply that colliery with such water as they require for all purposes connected with the winning working converting and manufacing of the minerals otherwise than by hydraulic power or condensing engines at or from or through that colliery the powers conferred upon the District Council by the Act of 1896 of taking water from the following streams namely Nant-y-gwair Nant-yr-ychain and Nant-Lluest shall cease to be exercised for and so long only as such deficiency continues and so long also as no provision is made by the District Council for delivering at such colliery free of charge an additional quantity of water which when added to the flow of the stream will be sufficient to make up the deficiency and the owner and lessees shall so far as they lawfully can afford the District Council all requisite powers rights and facilities for laying and maintaining the pipes necessary for such delivery as aforesaid through in or upon any lands held leased or occupied by such owner and lessees :

(4) The provisions of the previous subsection shall be deemed to be in full compensation under the Waterworks Clauses Act 1847 and otherwise to the owner and lessees in respect of their right of using the streams and waters which the District Council are by the Act of 1896 authorised to take and for all damage they may sustain by reason of the exercise of the powers of the District Council with respect to the said streams and waters :

(5) The owner and lessees and the occupiers of the farm and houses now known as Tydraw shall so far as the District Council are concerned at all times be entitled notwithstanding this Act and the Act of 1896 to take a sufficient supply of water for domestic purposes from the springs and streams from which they are at present supplied and the District Council shall so exercise their powers of taking any such springs and streams as not to prevent the owner lessees and occupiers from receiving such sufficient supply as aforesaid :

(6) All differences which shall at any time arise between the District Council and the owner or lessees as to the performance or observance of the provisions of this section shall be determined by an arbitrator to be appointed by the District Council and the owner or by the District Council and the

lessees or (if for one month after the difference arises the said parties do not agree upon an arbitrator) by the Local Government Board upon the application in writing of either of the said parties and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon the parties in difference and the costs of the arbitration shall be in his discretion.

For protection of Gelligaer and Rhigos Rural District Council.

24. For the protection of the Gelligaer and Rhigos Rural District Council (in this section called "the rural council") the following provisions shall unless otherwise agreed to between the District Council and the rural council have effect (that is to say):—

(1) The District Council shall from and after the completion of the Llynfawr Reservoir supply to the rural council and the rural council shall take in perpetuity such a daily quantity of water as the rural council may for the time being require for domestic purposes within the present limits of the parish of Rhigos not exceeding twenty thousand gallons per day of twenty-four hours:

(2) Such supply shall be delivered into mains to be laid by the rural council at their own expense and shall be so delivered at the termination of the afterbay of the Llynfawr Reservoir:

(3) The District Council shall at the joint expense of the District Council and the rural council provide and fix as near as may be to the aforesaid point of delivery a meter for the purpose of ascertaining the quantity of water delivered to the rural council as aforesaid and the District Council and the rural council shall at all times have access to the said meter The meter shall once at least in every three years and at the joint expense of the District Council and the rural council be thoroughly repaired and verified but either council may at their own expense after notice in writing to the other council cause the said meter to be verified as and when they shall consider it necessary to do so Whenever such meter shall be removed for the purpose of verification an efficient temporary meter shall be substituted by the District Council and the rural council at their joint expense:

(4) The rural council shall pay to the District Council after the rate of fourpence halfpenny per one thousand gallons of water so supplied to them:

(5) The meter register shall be primâ facie evidence of the amount of water delivered to the rural council by the District Council as aforesaid and shall be taken quarterly on the usual

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quarter days and the amounts ascertained to be due from the rural council to the District Council on account of such supply shall be paid to the District Council quarterly within one month from the taking of the register as aforesaid:

(6) If any difference shall arise between the District Council and the rural council respecting the said supply or any matters arising thereout the same shall be settled by arbitration in manner provided by the Arbitration Act 1889.

For protection of Cambrian Collieries Limited.

25. Nothing in this Act or the Waterworks Clauses Act 1847 contained shall be construed to deprive the Cambrian Collieries Limited their successors or assigns of any of the powers privileges or rights in respect of their minerals or mineral workings which they now possess or enjoy or if this Act were not passed might possess or enjoy and the District Council shall make compensation to the Cambrian Collieries Limited their successors and assigns for all damages that may at any time accrue to their or any of their minerals or mineral workings by or in consequence of the acts or works of the District Council under the powers of this Act and the Cambrian Collieries Limited shall not be responsible or in any way liable to make good or to pay compensation for any injury or damage to the works of the District Council which may be occasioned or arise directly or indirectly by reason of the sinking of any pits or the working of any mines or minerals or underground operations Provided that no wilful damage be done to the works of the District Council and the mines be not worked in an unusual manner or contrary to the custom of mining in the district.

As to supply of Clydach Vale by Cambrian Collieries Limited.

26. The District Council shall not supply any premises which at the time of the passing of this Act are supplied by the Cambrian Collieries Limited so long as such company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required the question whether such supply is in fact being afforded to be determined after three months notice in the case of difference by the Local Government Board But nothing in this section shall be taken to admit any statutory right to the Cambrian Collieries Limited to supply such premises with water.

PART IV.—Extension of Time.

Extension of time for compulsory purchase of lands.

27. The powers granted by the Act of 1896 for the compulsory purchase and taking of lands for the purposes of the works authorised by that Act are hereby extended and may be exercised at any time within but shall not be exercised after the expiration of three years from the date of the passing of this Act.

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Extending period limited for completion of works.

28. The period limited by the Act of 1896 for the completion of the works authorised by that Act is hereby extended to three years from the second day of July one thousand nine hundred and three and if the same be not completed at the expiration of that extended period such powers shall cease except as regards so much of the said works as is then completed but nothing in this section shall restrict the District Council from extending their works mains and pipes from time to time whenever it may be necessary for maintaining and extending their supply within their limits for the time being for the supply of water.

PART V.—Financial and Borrowing.

Power to borrow.

29. The District Council may for the purposes herein-after mentioned from time to time (in addition to any other moneys which they are now authorised to borrow) borrow at interest on the security of the water revenue and of the district fund and the general district rate as follows (that is to say):—

Firstly For paying the costs and expenses of this Act as herein-after defined such sum as may be required;

Secondly For the purpose of the purchase of land and the construction of the tramroad road and other works by this Act authorised being permanent works within the meaning of section 234 of the Public Health Act 1875 such sum or sums of money as the District Council may from time to time think requisite not exceeding sixty thousand pounds.

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

30. 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 District Council may borrow under that Act any sum which they may borrow under this Act shall not be reckoned.

Power to Local Government Board to direct inquiries.

31.—(1) 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 Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The District Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expense of any witnesses summoned by the inspector holding the inquiry and a

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sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

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

32. Sections 236 to 239 of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages granted under this Act.

Power to borrow under Local Loans Act 1875.

33. The District Council 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 as amended by the Local Loans Sinking Fund Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same fund rate revenue 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 fund rate revenue or security shall be deemed to be the local rate as defined by the Local Loans Act 1875 Provided that the provisions contained in the section of this Act whereof the marginal note is "Mode of paying off of borrowed money" shall apply to sinking funds formed for repayment of moneys borrowed under the Local Loans Act 1875 instead of section 15 of that Act.

Period for repayment of borrowed moneys.

34. All moneys borrowed by the District Council under the authority of this Act may be borrowed for any term not exceeding the terms herein-after respectively mentioned from the date on which the same are originally borrowed under this Act (that is to say):—

(A) As regards moneys borrowed for the purpose firstly herein-before mentioned ten years;

(B) As regards moneys borrowed for the purposes secondly herein-before-mentioned forty-five years:

The respective periods for which the District Council are herein-before authorised to borrow money are in this Act referred to as the prescribed periods.

Mode of payment off of borrowed money.

35.—(1) The District Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the time of borrowing the sum in respect of which the payment is made.

(2) The following provisions shall apply in regard to any sinking fund to be formed under this Act:—

(A) The District Council in every year shall appropriate and set apart out of the fund rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period:

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages stock debentures or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the District Council and securities transferable by delivery) and if and as often as the rate of interest by investment is not equal to the prescribed rate the accumulation and any deficiency arising thereby shall be made good out of the respective funds or rates which are liable to contribute to the sinking fund:

(C) The District Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based:

(D) Whenever and so long as the yearly income arising from the sinking fund would if the sinking fund were invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest of such borrowed moneys the District Council may in lieu of investing the same yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be so paid thereto.

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Power to reborrow.

36. If the District Council pay off any part of any moneys borrowed by them under the powers of this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of sale of land or other property or out of fines or premiums on leases or other moneys received on capital account except borrowed money they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing has been made and shall be deemed to form the same loan as the money originally borrowed and the obligations of the District Council 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.

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

37. The clerk to the District Council shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds 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 appears to the Local Government Board by such return or otherwise that the District Council 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 mutatis mutandis apply to appropriations and annual repayments. A.D. 1899.

Application of moneys from sale &c. of land.

38. The District Council shall apply all moneys from time to time received by them in respect of any sales or dispositions of or by way of fine or premium on any lease of land and premises acquired under the powers of this Act in or towards paying off moneys borrowed and for the time being owing under this Act Provided that such proceeds shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Protection of lenders from inquiry.

39. A person lending money to the District Council shall not be bound to inquire as to the observance by the District Council of any of the provisions of this Act or be bound to see to the application or be responsible for the loss misapplication or non-application of the money lent or any part thereof.

District Council not to regard trusts.

40. The District Council shall not be bound to recognise or see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person or persons or (as the case may be) of the personal representative or representatives of the person or the last survivor of the persons in whose name or names any loan or security for a loan stands in the books of the District Council shall from time to time be a sufficient discharge to the District Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the District Council have had express or implied notice of any trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their books and the District Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application thereof.

Saving for existing charges.

41. Nothing in this Act shall prejudicially affect any charge on the district fund or general district rate or the estates and property of the District Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed.

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Application of water revenue.

42. The District Council shall keep accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from income and shall apply the water revenue as follows (that is to say) :—

In payment of the expenses properly chargeable to conducting managing and maintaining and otherwise carrying on the water undertaking of the District Council ;

In payment of the interest upon moneys borrowed by the District Council for their water undertaking under the Act of 1896 ;

In providing the requisite instalments appropriations annual repayments or sinking fund or otherwise making provision for the repayment of the last-mentioned borrowed moneys ;

In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the purpose of their water undertaking ;

In providing the requisite instalments appropriations annual repayments or sinking fund in respect of money or otherwise making provision for the repayment of moneys borrowed under this Act ;

In providing a reserve fund for the water undertaking 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 Government securities or any security in which trustees are or may be authorised to invest trust moneys (except securities of the District Council and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the District Council from the water undertaking or to meet any extraordinary claim or demand at any time arising against the District Council in respect of that undertaking or to the improving and extending thereof and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens :

And any balance remaining in any year as may in the opinion of the District Council not be required for carrying on the water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five thousand pounds shall be applied by the District Council in increasing the district fund.

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43. Any deficiency in the revenues and receipts of the District Council in respect of the water undertaking shall in the absence of a reserve fund applicable to the purpose or so far as such reserve fund is not sufficient for the purpose be from time to time made good out of the general district rate in such a manner as the District Council may from time to time determine as soon as such deficiency has been ascertained.

As to deficiency in receipts.

PART VI.—Miscellaneous.

44.—(1) The District Council shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more of such houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

(2) If the District Council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "labouring class" means mechanics artizans 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 of such persons who may be residing with them.

45. All rates or rents payable to the District Council for a supply of water and all sums payable to the District Council under any agreement with respect to the supply of water shall be recoverable by the District Council in like manner as the rates leviable by the District Council or at the option of the District Council as a civil debt:

Payment of water rent.

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Provided that this section shall not apply to any sums payable to the District Council for fittings supplied and work done in respect thereof.

Expenses of Act.

46. All the costs charges and expenses of and incident to and preparatory to the obtaining and passing of this Act or otherwise in relation thereto shall when taxed and ascertained by the taxing officer of the House of Lords or the House of Commons be paid by the District Council in the first instance out of the district fund and general district rate but ultimately if the District Council so determine out of money borrowed under this Act.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
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