CHAPTER ciii.

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An Act to authorise the Rhondda Urban District Council to construct additional waterworks and to confer further powers upon the Council in regard to their water undertaking and the supply of electricity and for other purposes. [18th August 1911.]

WHEREAS the Rhondda Urban District is governed for local and sanitary purposes by the Rhondda Urban District Council (in this Act referred to as "the Council"):

And whereas by the Rhondda Urban District Council Act 1905 the period limited for the completion of the waterworks authorised by the Ystradyfodwg Urban District Council (Gas and Water) Act 1896 was extended as therein provided:

And whereas certain of the waterworks authorised by the said Act of 1896 are in course of construction and it is expedient further to extend the period limited for the completion of such works and to authorise the Council to make in connection with their water undertaking the additional waterworks hereinafter described:

And whereas the Council have raised the sum of eighty-seven thousand pounds which by the said Act of 1896 they were authorised to borrow for the purpose of the construction of the waterworks by that Act authorised:

And whereas the Council have constructed certain of the waterworks authorised by the Rhondda Urban District Council Act 1899:

And whereas the Council have also raised the sum of thirteen thousand eight hundred pounds being part of the moneys which by the said Act of 1899 they were authorised to borrow

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for the purpose of the construction of certain of the works by that Act authorised and it has since been found unnecessary to construct some of the last-mentioned works:

And whereas owing to the general configuration of the land forming the lake known as Llyn-fawr and the nature of the underlying strata and soil the expense of constructing the Llyn-fawr Reservoir authorised by the said Act of 1896 will exceed the amount originally contemplated and the said sum of eighty-seven thousand pounds has proved to be insufficient for the purposes for which it was authorised to be borrowed:

And whereas it is expedient that the Council should be authorised to apply to and for the purposes of the Act of 1896 any moneys raised under the said Act of 1899 and not required for the purposes of that Act and also to borrow additional money for the completion of the Llyn-fawr Reservoir and the other waterworks authorised by the said Act of 1896 which are now under construction:

And whereas application has been made by the Council in the present session of Parliament to the Board of Trade under the Electric Lighting Acts 1882 to 1909 for an Electric Lighting Order to empower the Council to supply electrical energy for all public and private purposes within their district:

And whereas it is expedient that the Council should be authorised to purchase lands and to construct thereon and use works for the disposal of the refuse of the district and a station or stations for generating electrical energy for the purposes of the before mentioned Electric Lighting Order:

And whereas it is expedient that the Council be authorised to borrow further moneys for the purposes of this Act:

And whereas it is expedient that such further powers should be conferred upon the Council and such further provisions enacted as are contained in this Act:

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

And whereas estimates have been prepared by the Council for the execution of the works by this Act authorised and such estimates are as follows:—

For the completion of the works authorised by the said Act of 1896 thirty-four thousand six hundred and sixty-seven pounds;

For the purchase of land for and for the construction of new waterworks forty-eight thousand two hundred and nine pounds;

For the purchase of land for and for the construction of the approach road by this Act authorised one thousand six hundred and eighty pounds:

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

And whereas plans and sections describing the lines situations and levels of the 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 respectively as the deposited plans sections and book of reference:

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

And whereas such resolution was published twice in the said newspaper 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 Council at a further special meeting held in pursuance of a similar notice on the sixth day of January one thousand nine hundred and eleven being not less than fourteen days after the deposit of the Bill in Parliament:

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

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

PART I.

PRELIMINARY.

Short title.

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

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Water.
Part III.—Lands.
Part IV.—Electricity Refuse Destructors &c.
Part V.—New Road.
Part VI.—Finance.
Part VII.—Miscellaneous.

Incorporation of Acts.

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

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words "with the consent in writing of "the owner or reputed owner of any such house "or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

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

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same

respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The district" means the Rhondda Urban District;

"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 Act of 1899" means the Rhondda Urban District Council Act 1899;

"The Act of 1902" means the Rhondda Urban District Council (Tramways &c.) Act 1902;

"The Act of 1905" means the Rhondda Urban District Council Act 1905;

"The Act of 1910" means the Rhondda Urban District Council (Tramways Extensions &c.) Act 1910;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

"The pending Order" means the Electric Lighting Order for which application has been made by the Council to the Board of Trade under the Electric Lighting Acts 1882 and 1888;

"The tramways company" means the Rhondda Tramways Company Limited.

Part II.

Water.

Power to make waterworks.

5. Subject to the provisions of this Act the Council may wholly in the parish of Rhondda and county of Glamorgan and in the lines and situation and upon the lands delineated on the

A.D. 1911. deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

Work No. 1 Two service reservoirs and filter beds to be constructed on a piece of mountain pasture land forming part of enclosure number 24 on the $\frac{1}{2500}$ Ordnance map of the parish of Rhondda (formerly Ystradyfodwg) Glamorgan Sheet XVII–4 (2nd edition 1899) and adjoining the road leading from Rhigos to Treherbert and lying between such road and Fernhill Cottages:

Work No. 2 An aqueduct conduit or line of pipes (No. 1) commencing at or near the southern end of the aqueduct tunnel Work No. 2 authorised by the Act of 1896 and terminating at or near the east side of the service reservoirs and filter beds Work No. 1 hereinbefore described:

Work No. 3 An aqueduct conduit or line of pipes (No. 2) commencing at or near the west side of the service reservoirs and filter beds Work No. 1 hereinbefore described and terminating in the tank Work No. 6 hereinafter described:

Work No. 4 An aqueduct conduit or line of pipes (No. 3) commencing by a junction with the aqueduct conduit or line of pipes (No. 1) hereinbefore described at or near the north-western corner of the service reservoirs and filter beds Work No. 1 hereinbefore described and terminating by a junction with the existing water main of the Council at or near the wicket-gate entrance to the field or enclosure numbered 44 on the $\frac{1}{2500}$ Ordnance map of the parish of Rhondda (formerly Ystradyfodwg) Glamorgan Sheet XVII.–4 (2nd edition 1899):

Work No. 5 An aqueduct conduit or line of pipes (No. 4) commencing by a junction with the aqueduct conduit or line of pipes (No. 3) hereinbefore described at or near its commencement and terminating at the northern end of Caroline Street Blaen Rhondda:

Work No. 6 A tank to be situate partly on land forming part of the enclosure in which the Council's Tyn-y-waun Reservoir is constructed and partly on land adjoining.

In addition to the foregoing works the Council may upon the said lands make and maintain all such cuts channels

catchwaters tunnels aqueducts mains pipes culverts drains sluices byewashes filter beds tanks cisterns banks walls bridges engines pumps machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. A.D. 1911.

Limits of deviation.

6. In the construction of the works by this Part of this Act authorised the Council may deviate laterally 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 roads shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards Provided that except for the purpose of crossing a stream 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.

Power to divert and stop up footpaths.

7. The Council may divert in the manner shown upon the deposited plans any footpaths shown on the deposited plans as intended to be diverted and subject to the provisions of this section may stop up and cause to be diverted as a footpath so much of each existing footpath as will be rendered unnecessary by the new portion of footpath so shown on the said plans:

Provided that in the case of a public footpath such stopping up shall not take place until two justices shall have certified that the new footpath has been completed to their satisfaction and is open for public use and as from the date of such certificate all rights of way over or along the portion of the existing footpath so stopped up shall be extinguished and the Council may appropriate and use for their own purposes the site of the portion of any footpath stopped up as far as the same is bounded on both sides by lands of the Council:

Provided also that the Council shall make full compensation to all parties in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement.

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Period for completion of water-works.

8. If the works by this Part of 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 shall then be completed.

Extension of time for construction of water-works.

9. The period limited by the Act of 1905 for the completion of Work No. 1 Work No. 2 and Work No. 5 authorised by the Act of 1896 is hereby extended until the expiration of three years from the passing of this Act Provided that nothing in this or the last preceding section shall restrict the Council from extending their works mains and pipes from time to time as and when occasion may require.

For protection of Fernhill Collieries Limited.

10. For the protection of the Fernhill Collieries Limited their successors and assigns (in this section referred to as "the company") the following provisions in addition to the provisions of the general Acts incorporated with this Act shall unless otherwise agreed between the company and the Council have effect (that is to say):—

(1) The Council shall maintain and keep the works by this Part of this Act authorised (in this section referred to as "the waterworks") watertight in all respects and shall make good any damage which the company may sustain during the construction or maintenance of the waterworks by reason or in consequence of the bursting leaking or overflow of the waterworks:

(2) The company shall not be responsible to the Council or liable to make good or to pay compensation for any injury or damage to the waterworks which may be occasioned by subsidence or otherwise in the working of the mines of the company in accordance with the custom of mining in the district Provided that no tipping be done within a reasonable distance from the service reservoirs filter beds and tank and that no earth or rubbish be deposited on any part or parts of the same except where necessary in the case of any aqueduct conduit or line of pipes and then only after six calendar months' previous notice in writing shall have been given by the company to the Council who shall be at liberty on receipt of such notice to carry out any alteration or protection of

any such aqueduct conduit or line of pipes as they shall think fit Provided also that the company shall at all times give every reasonable facility to the Council for inspecting the underground working of the mines and minerals and the working plans thereof and for taking copies of such plans and for causing such plans to be corrected showing the workings up to date:

(3) For the construction maintenance and user of any aqueduct conduit or line of pipes by this Part of this Act authorised the Council shall not under the provisions of this Act acquire any lands belonging to the company but the Council may acquire and the company may and shall at the request of the Council grant to the Council the easements and rights in and upon the lands of the company necessary for the construction maintenance and user of any such aqueduct conduit or line of pipes the Council paying to the company compensation for any such easements or rights such compensation failing agreement to be determined by arbitration in the manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and such easements or rights so to be acquired shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of any arbitration or the summoning of a jury:

(4) Any difference which may arise between the Council and the company under this section shall be determined by an arbitrator to be appointed failing agreement by the Local Government Board upon the application in writing of either of the said parties and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply.

Part III.

Lands.

Power to take lands for works.

11. Subject to the provisions and for the purposes of this Act the Council may enter upon take and use such of the lands

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Power to take additional lands.

12. Subject to the provisions of this Act the 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 the lands hereinafter described (that is to say) :—

For the purposes of their water undertaking—

Four plots of land adjoining the Tyn-y-waun Reservoir of the Council bounded on or towards the north-east by the enclosure numbered 195 on or towards the south-east by the enclosure numbered 196 on or towards the north-west by the enclosure numbered 192 on the $\frac{1}{2500}$ Ordnance map of the parish of Rhondda (formerly Ystradyfodwg) Glamorgan Sheet XVII.–8 (2nd edition 1899) and on and towards the south-west by vacant land to the north of Brynwyndham Terrace:

For the construction of refuse destructors and generating stations and works connected therewith—

(A) A piece of land at Porth containing by admeasurement 1·5 acres or thereabouts and bounded on the southern side partly by a road forming the northern boundary of the property known as Green Meadow partly by land belonging to the Council and in the occupation of the Rhondda Tramways Company Limited and partly by the Rhondda Fach River on the western side by the boundary wall of houses situate on the eastern side of Aber-Rhondda Road on the eastern side partly by the Rhondda Fach River and partly by the Taff Vale Railway and on the northern side by an imaginary line drawn from a point 10 feet or thereabouts due east from the south-eastern corner of the premises known as No. 127 Aber-Rhondda Road and continued in an easterly direction until it meets the Rhondda Fach River;

(B) A piece of land at Appletree Dinas containing by admeasurement 4·5 acres or thereabouts comprising the enclosure numbered 1572 on the $\frac{1}{2500}$ Ordnance map of the parish of Rhondda (formerly Ystradyfodwg) Glamorgan Sheet XXVII.–12 (2nd edition 1900) together

with the road slopes lying between the said enclosure and the Cymmer Road;

(c) A piece of land at Ystrad containing by admeasurement 19·7 acres or thereabouts comprising the enclosures numbered 900 901 902 903 904 and 905 on the $\frac{1}{2500}$ Ordnance map of the parish of Rhondda (formerly Ystradyfodwg) Glamorgan Sheet XXVII.–3 (2nd edition 1900) together with the piece of land adjoining the said enclosure numbered 900 on the north-western side thereof and bounded on or towards the north partly by premises in Tyntyla Road and partly by premises in Mill Street on or towards the west partly by premises in Mill Street and partly by property of the Council and on or towards the south by the Taff Vale Railway;

(d) A piece of land at Ferndale containing by admeasurement 5·7 acres or thereabouts comprising the enclosure numbered 596 on the $\frac{1}{2500}$ Ordnance map of the parish of Rhondda (formerly Ystradyfodwg) Glamorgan Sheet XXVII.–15 (2nd edition 1900) together with the piece of land adjoining the said enclosure on the south-west side thereof and bounded on or towards the south-west by the river Rhondda Fach and on or towards the north-west by an imaginary line drawn in continuation of the north-western boundary of the said enclosure until it meets the said river.

Period for compulsory purchase of lands.

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

Incorporation of sections from Act of 1902 and Act of 1910.

14. The following sections of the Act of 1902 and the Act of 1910 are incorporated with this Act and shall extend and apply in regard to the works and lands authorised to be executed and taken under this Act as if those sections with any necessary modifications were set out in this Act (namely):—

The Act of 1902—

Section 75 Correction of errors &c. in deposited plans and book of reference;

Section 77 Power to acquire easements only for aqueducts conduits and lines of pipes;

Section 78 Power to take easements &c. by agreement;

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Section 79 Power to retain sell &c. lands;

Section 80 Application of moneys from sale &c. of land:

The Act of 1910—

Section 37 Certain improvements not to be taken into account in determining compensation;

Provided that in the application of that section the same shall be read and have effect as if the words "one thousand nine hundred and eleven" were substituted for the words "one thousand nine hundred and ten";

Section 38 Costs of arbitration in certain cases.

Power to use lands acquired under this Act for other purposes.

15. The Council may with the consent of the Local Government Board appropriate and use any lands acquired by them under this Act and for the time being vested in them and not required for the purposes of this Act for any other purpose for which they may require land but nothing in this section shall authorise the Council to create or permit any nuisance.

If the Council so appropriate any lands acquired under this Act they shall debit the account for which the said lands are appropriated with a reasonable sum by way of purchase-money or rent for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

For protection of Crawshay Bailey Estate.

16. For the protection of the trustees of the will of the late Crawshay Bailey and their sequels in estate and other the owner or owners for the time being of the Crawshay Bailey Estate (in this section referred to as and included in the expression "the owners") the following provisions shall unless otherwise agreed between the Council and the owners have effect (that is to say):—

(1) Nothing in this Act shall authorise the Council to enter upon take or use any portion of the site of the Gelligaled incline or sidings situate upon the piece of land at Ystrad described in paragraph (c) of the section of this Act of which the marginal note is "Power to take additional lands" or to acquire any easement or right in or over the said incline and sidings save only that it shall be lawful for the Council for the purpose of providing means of communication between the severed portions of the

said piece of land to acquire an easement or right of extending the existing gasworks sidings of the Council on the level across the site of the said incline and sidings and to pass over and use such extended sidings with engines wagons and trucks horses and other animals carts and carriages of every description and their officers and servants and the Council shall not in any way obstruct or interfere with the working by the owners or their lessees of mineral and other traffic over the site of the said incline and sidings to and from the Taff Vale Railway except only so far as any such obstruction or interference is necessarily caused by the reasonable and proper user of the extension of the said gasworks sidings:

(2) In the event of the Council serving notice to treat for any portion of the before-mentioned piece of land they shall subject to the provisions of subsection (1) hereof acquire the whole of such piece of land and the price to be paid by the Council to the owners for the said piece of land and for any easement or right acquired under subsection (1) hereof shall in default of agreement be settled in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement.

Part IV.

Electricity Refuse Destructors &c.

Power to use lands for erection of generating stations.

17. The Council may after they shall have acquired any of the lands (A) (B) (C) or (D) described in the section of this Act of which the marginal note is "Power to take additional lands" use the lands so acquired for the purposes of this Part of this Act (including the agreement set forth in the schedule to this Act) and of the pending Order if such Order be confirmed by Parliament and may on all or any of those lands or on any part thereof (when so acquired) erect maintain work and use a station or stations for generating transforming and distributing electrical energy with all such dynamos accumulators engines plant machinery works appliances and conveniences as may be necessary or expedient for those purposes or any of them and

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may generate transform store use and supply such electrical energy accordingly subject to the provisions of this Part of this Act (including the said agreement) and of the pending Order when so confirmed Provided that notwithstanding the provisions of section 81 of the schedule to the Electric Lighting (Clauses) Act 1899 incorporated with the pending Order the Council shall not be liable to any indictment action or other proceeding for nuisance arising from vibration caused by the generating transforming storing using supplying or otherwise dealing with electrical energy at any generating station or stations erected on the said lands except in the case of the Council failing to adopt the best practicable and available means to prevent any such nuisance as soon as reasonably practicable and within six months after the service upon the clerk of the Council of written notice by or on behalf of the person alleging that he is injuriously affected by such nuisance and giving general particulars of the alleged nuisance and its effect or within such period exceeding six months as may be allowed by an arbitrator to be appointed as hereinafter provided and any difference which may arise between any such person and the Council as to whether the Council have adopted or as to what are the best practicable and available means to prevent any such nuisance or as to the time which should be allowed for adopting any such means shall be referred to and settled by an arbitrator to be appointed by the Board of Trade on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference which shall be without prejudice to any other remedies to which any such person may but for this section be entitled in the event of the Council failing to adopt such means as aforesaid within the time allowed by the arbitrator for that purpose.

Power to provide electrical fittings &c.

18.—(1) As from the date when the pending Order is confirmed by Parliament the Council may in connection with the electricity undertaking authorised by such Order purchase let for hire and fix repair and remove but shall not manufacture lamps electric lines fuses switches fittings lamp-holders motors and other fittings for lighting and motive power and for all other purposes for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may supply all materials and do all work necessary or proper in that behalf and with

respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon:

Provided that—

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

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

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

(2) The Council may enter into and carry into effect contracts for the execution of any of the powers of this section including the wiring of private property but they shall not themselves execute the wiring of private property except between the main of the Council and the consumer's meters nor shall they sell any lamps electric lines fuses switches fittings lamp-holders motors and other fittings for lighting and motive power or for other purposes under the provisions of subsection (1) of this section except through a contractor.

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

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Confirmation of scheduled agreement.

19. The agreement between the South Wales Electrical Power Distribution Company of the first part the Treforest Electrical Consumers Company Limited of the second part and the Council of the third part set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto.

Amending section 20 of Act of 1902.

20. Notwithstanding anything contained in section 20 of the Act of 1902 the Council or their lessees may use the generating station authorised by that Act for the generation and supply of electrical energy for all or any of the purposes of the pending Order if such Order be confirmed by Parliament:

Provided that this section shall not come into operation during the continuance of the agreement set forth in the schedule to this Act nor if and so long as the South Wales Electrical Power Distribution Company are able and willing to afford to the Council such a supply of electrical energy as the Council may from time to time require.

Refuse destructors.

21. The Council may upon all or any of the lands (A) (B) (C) and (D) respectively described in the section of this Act of which the marginal note is "Power to take additional lands" or upon any part thereof (when acquired by the Council) erect maintain and use a refuse destructor or destructors and works in connection therewith.

Power to utilise products of refuse destructors.

22. The Council may use the heat produced from the destruction of the refuse of the district for the generation of electrical energy or may sell and dispose of the same and may convert any clinkers or other refuse or surplus material or product arising in connection with any of their refuse destructors into slabs of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Council for repairing streets or for any other purposes connected with the work of the Council for which they may be suitable or may be sold by the Council who shall carry the proceeds arising from any such sale to the credit of the district fund.

For protection of Postmaster-General.

23. The provisions for the protection of the Postmaster-General and his telegraphic lines contained in the Electric

Lighting Acts 1882 to 1909 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall extend and apply to any generation use or supply of electrical energy under this Part of this Act including the agreement set forth in the schedule to this Act and any agreement entered into under this Part of this Act. A.D. 1911.

Part V.

New Road.

Power to make approach road.

24. Subject to the provisions of this Part of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections an approach road at Ferndale sixteen feet wide in continuation of and commencing by a junction with Protheroe Street at its south-eastern end and terminating at the south-western boundary of the land (D) described in the section of this Act of which the marginal note is "Power to take additional lands" with all necessary or proper subsidiary works and conveniences in connection therewith.

Deviation.

25. In the construction of the approach road by this Part of this Act authorised the Council may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards and three feet downwards and they may deviate laterally within the limits shown on the deposited plans.

Part VI.

Finance.

Application of moneys borrowed under Act of 1899.

26. The Council may apply to and for the purposes of the construction of the waterworks authorised by the Act of 1896 any moneys which they have raised under the Act of 1899 and which are not required for the purposes of that Act.

Power to borrow.

27. The Council may from time to time (in addition to any other moneys which they are now authorised to borrow) borrow at interest on the following securities for the following purposes (that is to say) :—

(A) On the security of the revenue of their water undertaking and electric lighting undertaking or either of them and the district fund and general district rate in such proportions as the Council may determine for the

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purpose of paying the costs and expenses of this Act as hereinafter defined such sum as may be required:

(B) On the security of the revenue of their water undertaking and of the district fund and general district rate for the completion of Work No. 1 Work No. 2 and Work No. 5 authorised by the Act of 1896 the sum of thirty-four thousand six hundred and sixty-seven pounds and for the purchase of lands for and for the construction of the new waterworks by this Act authorised the sum of forty-eight thousand two hundred and nine pounds and with the consent of the Local Government Board such further sums as may be necessary for those purposes or any of them:

(C) On the security of the district fund and general district rate for the purchase of the lands (A) (B) (C) and (D) authorised by the section of this Act of which the marginal note is "Power to take additional lands" such sums as may be necessary:

(D) On the security of the district fund and general district rate for the purchase of land for and for the construction of the approach road by this Act authorised the sum of one thousand six hundred and eighty pounds:

(E) On the security of the district fund and general district rate and with the consent of the Local Government Board such sums as may be necessary for any other of the purposes of this Act.

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

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

Period for repayment of borrowed moneys.

29. All moneys borrowed by the Council under the authority of this Act may be borrowed for any term not exceeding the terms hereinafter respectively mentioned (that is to say):—

(A) As regards moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" five years from the passing of this Act:

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(B) As regards moneys borrowed for the purposes (B) mentioned in the said section other than moneys borrowed with the consent of the Local Government Board forty-five years from the date or dates of borrowing:

(C) As regards moneys borrowed for the purpose (C) mentioned in the said section sixty years from the date or dates of borrowing:

(D) As regards moneys borrowed for the purposes (D) mentioned in the said section thirty years from the date or dates of borrowing:

And all moneys borrowed with the consent of the Local Government Board shall be repaid within such period as that Board may think fit to sanction.

The respective periods for which the Council are hereinbefore authorised to borrow money are in this Act and for the purposes of the incorporated provisions of the Act of 1902 referred to as "the prescribed periods."

Application of provisions of Act of 1902.

30. The following provisions of the Act of 1902 with the necessary modifications and subject to the provisions of this Act shall apply mutatis mutandis to the further borrowing powers under this Act (namely):—

Section 91 Power to Local Government Board to direct inquiries;

Section 92 Provisions of Public Health Act 1875 as to mortgages to apply;

Section 93 Power to borrow under Local Loans Act 1875;

Section 95 Mode of payment off of borrowed money;

Section 97 Return respecting sinking fund to Local Government Board;

Section 98 Protection of lenders from inquiry;

Section 99 Council not to regard trusts;

Section 100 Saving for existing charges;

Section 101 Appointment of receiver.

Power to re-borrow.

31.—(1) The Council shall have power—

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

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

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

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

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

(A) By means of instalments or annual payments; or

(B) By means of a sinking fund; or

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

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

(5) Section 57 (Power to reborrow) of the Act of 1896 section 36 (Power to reborrow) of the Act of 1899 and section 96 (Power to reborrow) of the Act of 1902 are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

Power to invest all sinking funds in statutory securities.

32. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

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Application of money borrowed.

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

Part VII.

Miscellaneous.

Power to use tramways for conveyance of refuse.

34. The Council may use the tramways authorised by the Act of 1902 and the Act of 1910 for the purpose of conveying by means of carriages moved by animal power or mechanical power any refuse of the district Provided that such use of the tramways by the Council shall not unduly impede or interfere with the ordinary traffic on the tramways Provided also that during the continuance of any lease of the tramways to the tramways company the Council shall only use the tramways for the purpose authorised by this section upon payment to the tramways company of such reasonable charges and subject to such other terms and conditions as may be agreed upon between the tramways company and the Council or as failing agreement may be settled by an arbitrator to be appointed by the Board of Trade on the application of the tramways company or the Council in accordance with the provisions of the Arbitration Act 1889.

Construction of section 30 of Act of 1902.

35. For removing doubts it is hereby declared that the inclusion of the generating station authorised by the Act of 1902 in the lease of the tramways dated the twenty-eighth day of May one thousand nine hundred and nine and granted by the Council to the tramways company and approved by the Board of Trade in pursuance of the provisions of section 30 of that Act is valid and such lease is hereby confirmed.

Crown rights.

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

Expenses of execution of Act.

37. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate.

Expenses of Act.

38. 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

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by the taxing officer of the House of Lords or of the House of Commons be paid by the Council in the first instance out of the district fund and general district rate but ultimately if the Council so determine out of money borrowed under this Act.

The SCHEDULE referred to in the foregoing Act.

Memorandum of Agreement made the twelfth day of May one thousand nine hundred and eleven between the South Wales Electrical Power Distribution Company incorporated by Act of Parliament and having its principal office at Royal Chambers Queen Street in the city of Cardiff (hereinafter called "the statutory company") of the first part the Treforest Electrical Consumers Company Limited incorporated and registered under the Companies (Consolidation) Act 1908 and having its registered office at Royal Chambers aforesaid (hereinafter called "the limited company") of the second part and the Rhondda Urban District Council (hereinafter called "the Council") of the third part.

Whereas under and by virtue of their several statutes and of the provisions of an agreement dated the 11th day of May 1908 and made between the same parties in the same order as these presents the statutory company is supplying electrical energy within the area of the Council and has within such area and for the purpose of such supply laid and constructed and is maintaining certain mains substations and other apparatus:

And whereas the Council is promoting a Provisional Order under the Electric Lighting Acts 1882 and 1888 intended to be intituled "The Rhondda Electric Lighting Order 1911" (hereinafter referred to as "the Provisional Order") which Order has been made by the Board of Trade and will when confirmed by Parliament enable the Council to generate and supply electrical energy within the Rhondda Urban District as constituted at the commencement of the Provisional Order and is also promoting a Bill in Parliament for an Act intended to be intituled "The Rhondda Urban District Council Act 1911" (hereinafter referred to as "the intended Act") by which it is proposed to confer on the Council certain powers of acquiring lands erecting equipping and maintaining refuse destructors and a station or stations for generating electrical energy either in connection with such destructors or otherwise as in the intended Act provided:

And whereas the statutory company is prepared to take from the Council all the electrical energy which the Council may from time to time during the continuance of this agreement produce in pursuance of

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the powers of the intended Act not exceeding in the whole 2,000,000 units per annum in accordance with the terms of this agreement and to give to the Council a supply of electrical energy in bulk for the purposes of the Provisional Order upon the terms of this agreement:

And whereas the electrical energy so to be delivered by the Council to the statutory company will in view of the use which the statutory company can make of such energy under the now existing legislative and other conditions of working of the minerals in the district of the Council be of greater value to the statutory company during certain hours of the day than at other times but such conditions of working are liable to variation from time to time:

And whereas it is the intention of the parties to these presents that all questions which may arise between the parties touching any matter arising out of or connected with the carrying out of this agreement shall be submitted to and decided by arbitration in manner hereinafter appearing:

And whereas the limited company is at present under the provisions of the South Wales Electrical Power Distribution Company Act 1908 working the Treforest generating station of the statutory company:

And whereas the limited company has agreed to enter into such covenant for the performance by the statutory company of the provisions of these presents as is hereinafter contained:

Now it is hereby covenanted and agreed by and between the parties hereto in manner following (that is to say):—

1. The Council shall sell and deliver to the statutory company in bulk all electrical energy (not exceeding in the whole 2,000,000 units per annum) which the Council may produce by any refuse destructor and electrical generating station erected in connection therewith which may be constructed by them under the powers of the intended Act.

2. The Council shall at their own expense in all respects in addition to and in connection with any one or more of the refuse destructors which they may construct under the powers of the intended Act erect construct and maintain a proper and sufficient electrical generating station or stations and shall equip the same in all respects with generating plant of a capacity either singly or in the aggregate of not less than 300 kilowatts including in such equipment all such steam and electrical plant switchboards instruments and other apparatus as may be necessary and sufficient for the generation of electrical energy from the waste heat produced by the refuse destructor or destructors and shall use all the waste heat available from the refuse destructor or destructors for the purpose of generating electrical energy by means of such steam and electrical plant instruments and apparatus: Provided always that nothing in this clause shall be construed to impose upon

the Council any obligation to construct any refuse destructor the intention of this clause being that in connection with at least one of the refuse destructors which may be constructed by the Council there shall also be erected constructed and maintained by the Council such electrical generating plant as aforesaid.

3. The Council shall at such electrical generating station or stations so far as may be reasonably possible convert the whole of the waste heat produced by such refuse destructor or destructors into electrical energy in the form of an electrical three-phase twenty-five period per second current of 11,000 volts pressure or thereabouts such electrical energy to be supplied with respect to power factor and controlled with respect to pressure in accordance with the requirements of the statutory company and the Council shall so far as may be reasonably possible avoid all variations in the rate of output of such electrical energy as may tend to make the same of less value as a marketable article to the statutory company and shall take all proper precautions to maintain and operate their electrical generating station or stations as a useful auxiliary source of supply to the statutory company.

4.—(A) The Council shall deliver to the statutory company at the switchboard of the electrical generating station or stations of the Council or at such point or points in the electrical mains of the statutory company as may be agreed upon the whole of the electrical energy so produced as aforesaid not exceeding 2,000,000 units per annum and the statutory company shall take such electrical energy upon the terms hereinafter appearing Provided that the Council shall be entitled to utilise so much of such electrical energy as may be required for or in connection with the operation of any refuse destructor and generating station and any other works of the Council which may be erected on any lands which the Council may acquire under the intended Act and on which they may have erected generating plant Provided also in the event of the Council generating electrical energy exceeding in the whole 2,000,000 units in any one year and the statutory company being unwilling to take such excess quantity (after being required so to do by one calendar month's notice in writing from the Council) under the terms of this agreement or any modification thereof which may be in force the Council shall be entitled to use such excess quantity for the purposes of the Provisional Order or otherwise.

(B) The statutory company shall pay the Council for electrical energy so delivered to the statutory company the following prices :—

For all electrical energy so delivered at a load factor of 100 per cent. between the hours of 6 a.m. and 3 p.m. in any working day (that being the period of a working day during which under existing conditions the supply of electrical energy is of the

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greatest value to the statutory company) but not on Sundays or general holiday ·3*d.* for each unit;

For all other electrical energy so delivered ·25*d.* for each unit.

5.—(A) As part of the consideration to the Council for this agreement and in addition to the obligations imposed by clause 6 of this agreement the statutory company shall deliver to the Council at the prices set forth in this clause and the Council shall take as and when required by the Council in each and every year during which this agreement shall continue such quantity of electrical energy as the Council may require for the purposes of the Provisional Order but so that the total quantity required to be delivered under this clause shall not in any one year exceed 25 per cent. of the quantity of electrical energy which the Council shall during the same year have delivered to the statutory company Such quantity of electrical energy shall be delivered by the statutory company from their own mains to the Council at such of the existing or future substations of the statutory company within the area of the Council as the Council may require and also at any other point in the mains of the statutory company which may from time to time be agreed upon.

(B) The Council shall pay to the statutory company for all electrical energy so delivered to the Council within the said quantity of 25 per cent. the following prices:—

(i) If supplied between the hours of 6 a.m. and 3 p.m. ·9*d.* for each unit;

(ii) If supplied between the hours of 3 p.m. on one day and 6 a.m. on the next day ·25*d.* for each unit.

6. The statutory company shall supply and deliver to the Council and the Council shall take at any substation or other points as provided in clause 5 of this agreement any further supply of electrical energy which the Council may require for the purposes of the Provisional Order beyond the said quantity of 25 per cent. mentioned in the last preceding clause and the Council shall pay for all such electrical energy so taken the following scale of prices:—

For any quantity up to and including 250,000 units during any one year -	1·25*d.* for each unit;
For any quantity if exceeding 250,000 units up to and including 500,000 units during any one year - -	1·00*d.* for each unit;
For any quantity if exceeding 500,000 units up to and including 1,000,000 units during any one year - -	·875*d.* for each unit;
For any quantity exceeding 1,000,000 units during any one year - -	·75*d.* for each unit:

Provided that if at any time during the continuance of this agreement the statutory company shall be supplying electrical energy to any other local authority or to any company or consumer whose circumstances are similar at prices lower than the scale of prices set out above such lower prices shall be charged to the Council in place of the said scale of prices Provided also that in respect of any electrical energy supplied under this clause between the hours of 3 p.m. on one day and 6 a.m. on the next day the price shall not in any case exceed ·9*d*. for each unit.

7. For all electrical energy whatsoever which the Council shall take from the statutory company during any period of greater duration than seven consecutive days during which the Council shall by reason of breakdown cleaning or any other temporary cause fail to deliver any electrical energy to the statutory company and for all electrical energy whatsoever which the Council may take from the statutory company prior to the working of or after abandonment of the refuse destructor or destructors the scale of prices set out in clause 6 of this agreement shall apply.

8. The Council shall bear the cost of supplying putting in and maintaining all the necessary connections from the switchboard at any electrical generating station or stations of the Council to the existing main or mains of the statutory company and the cost of taking the supply of electrical energy from any substations or mains of the statutory company as the case may be but the cost of all meters shall be borne equally between the statutory company and the Council.

9. All the provisions relating to and the prices of electrical energy set out and named in this agreement refer to three-phase current of 25 periods per second and about 11,000 volts pressure.

10. Before the statutory company is required to take delivery of any electrical energy from the Council under this agreement the Council shall give to the statutory company at least one calendar month's notice in writing of the intention of the Council to give such supply and after any temporary failure to deliver electrical energy as described in clause 7 of this agreement the Council shall give to the statutory company at least six hours' notice of the intention of the Council to resume such supply.

11. This agreement shall come into operation on the day of the expiration of the notice by the Council mentioned in clause 10 of this agreement of its intention to give a supply of electrical energy to the statutory company and shall remain in force subject as is hereinafter expressly provided until the 9th day of November 1950 and thereafter until determined by two years' notice in writing by the Council or the statutory company.

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12. At the end of every seventh year of the duration of this agreement either the Council or the statutory company may give twelve calendar months' notice expiring with any such seventh year to the other of them of the desire of the party so having given such notice to alter the prices other than the scale of prices set out in clause 6 of this agreement of any electrical energy taken or supplied under the terms hereof and shall in such notice set out the altered prices desired by the party giving the notice and in case by the date of the expiration of such notice no fresh agreement shall have been come to the question of altering such prices and (if alteration shall be decided upon) what new price or prices are to be paid shall be referred under the provisions of the Arbitration Act 1889 or any Act in force amending the same to an umpire to be agreed or failing agreement to be nominated by the President for the time being of the Institution of Electrical Engineers on the application either of the Council or of the statutory company and it shall be a term of any such reference that in arriving at his decision such umpire shall take into consideration all circumstances whether external to the parties hereto or not which in his opinion may tend to show that one party is obtaining a relatively greater pecuniary advantage than that being obtained by the other party the object being that in reviewing such prices each party shall obtain a relatively equal share of any benefits accruing from the carrying out of this agreement Any other dispute touching either the interpretation of this agreement or the methods of carrying it into effect shall be referred to an umpire in a similar manner but no such previous notice in writing shall be required.

13. Any notices in writing required to be served under this agreement shall be by registered letter addressed as the case may require to the clerk of the Council at the Council offices or to the secretary of the statutory company or of the limited company at its principal or registered office respectively and any such notice shall be presumed to have been given on the day on which such registered letter would reach its address in ordinary course of post unless non-delivery can be proved by the intended recipient.

14. In the event of the statutory company failing from any cause whatsoever to give a supply of electrical energy in accordance with the terms of this agreement the Council shall be entitled (without prejudice to any other rights or remedies which they may possess) to use the mains of the statutory company and their substations and all apparatus contained therein for the transmission of electrical energy generated by the Council during a reasonable period having regard to the circumstances under which such failure shall have arisen but in the event of a permanent failure of supply such user shall not be continued for a period longer than that necessary to enable the Council to lay down transmission mains and erect and equip substations.

15. The limited company covenants with the Council that (so long as the limited company retains its control over the affairs of the statutory company) the obligations of the statutory company under these presents shall be duly carried out.

16. Nothing in this agreement shall be deemed to prevent the Council from generating electrical energy under the provisions of the Rhondda Urban District Council (Tramways &c.) Act 1902 for the purpose of their tramway undertaking in the event of the Council carrying on such undertaking during the continuance of this agreement.

17. This agreement is made subject to the approval of Parliament and to such alterations as Parliament may think fit to make therein and in the event of any material alteration being made it shall be competent to any party hereto to withdraw from the same.

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

The common seal of the South Wales Electrical Power Distribution Company was hereunto affixed in the presence of } L.S.

W. Gascoyne Dalziel Chairman
W. Forster Brown } Directors.
Geo. P. Tutcher Secretary.

The common seal of the Treforest Electrical Consumers Company Limited was hereto affixed in the presence of } L.S.

Hugh Bramwell Chairman
W. North Lewis Director } Directors.
Geo. P. Tutcher Secretary.

The common seal of the Rhondda Urban District Council was affixed hereto in the presence of } L.S.

Thomas Evans Vice-Chairman.

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