ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. clxi.

An Act for enabling the Local Board of Health for the Town and District of *Swansea* to construct Waterworks; and for other Purposes.

[30th *June* 1852.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for better supplying with Water the Town and Borough of* Swansea *in the County of* Glamorgan, whereby a Company was incorporated under the Name of "The *Swansea* Waterworks Company:" And whereas an Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen *Victoria*, intituled "The Public Health Act, 1848," and another Act was passed in the Thirteenth and Fourteenth Years of the Reign of Her said Majesty, intituled "The Public Health Supplemental Act, 1850 (No. 2.)," for confirming certain Provisional Orders of the General Board of Health: And whereas under and by virtue of the last-mentioned Act the said "Public Health Act, 1848," was applied to the District of *Swansea*, which consists exclusively of the said Borough of *Swansea*; and the Mayor, Aldermen, and

7 W. 4. & 1 Vict. c. 52.

11 & 12 Vict. c. 63.

13 & 14 Vict. c. 90.

Burgesses of the said Borough, by the Council of the Borough, were thereby constituted the Local Board of Health within and for the said District: And whereas under the Provisions of the said first-mentioned Act certain Parts only of the said Borough have been supplied with Water, and such Supply is only intermittently afforded, and is not adequate to the Wants and Conveniences of the Inhabitants of such Parts of the said Borough: And whereas the Population, Buildings, Trade, Commerce, and Manufactures of the said Borough and of the Neighbourhood thereof have greatly increased of late Years, and are still increasing, and it is important that a constant, sufficient, and abundant Supply of good and wholesome Water should be obtained and provided for the Health, Comfort, Convenience, Enjoyment, and Advantage, not only of the present Inhabitants but also to meet the Wants and Requirements of the future, and the probable Additions thereto for domestic, trading, manufacturing, and other Purposes, and for watering the Streets, and extinguishing Fires, and for the cleansing of the Sewers, Drains, Streets, Courts, and Houses, and for other public Purposes within the said Borough: And whereas it is expedient that a Supply of Water for all the Purposes aforesaid, and for the Shipping resorting to the Port of *Swansea*, should be provided by the said Local Board of Health, and be placed under the Control, Regulation, and Management of the said Local Board; but for the Purposes aforesaid the Authority of Parliament is necessary: 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,

Swansea Local Board to carry Act into execution.

I. That the Local Board of Health for the District and Borough of *Swansea* be and they are hereby empowered to carry this Act into execution.

Interpretation of Terms.

II. That in this Act and in the Acts incorporated therewith the following Words and Expressions shall have the following Meanings assigned to them, unless there is something in the Subject or Context repugnant to such Construction:

The Expression "the Board" shall mean the Local Board of Health for the District and Borough of *Swansea*:

The Expression "Quarter Sessions" shall mean the General Quarter Sessions for the County of *Glamorgan*:

The Word "Owner" shall have the same Meaning assigned to it as is assigned to such Word in the "Public Health Act, 1848."

Short Title.

III. That this Act may be cited for all Purposes as "The *Swansea* Local Board of Health Waterworks Act, 1852."

IV. That

8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 17. incorporated with this Act.

IV. That the Clauses and Provisions of the following Acts, (that is to say,) "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," with the Exception of the Sections in the last-mentioned Act numbered from 75 to 83 inclusive of both Numbers, shall be incorporated with and form Part of this Act, except so far as the same are expressly varied or otherwise provided for by this Act.

Appointment of Officers, &c.

V. That it shall be lawful for the Board to appoint all such Officers and Servants as they shall think fit for the Purposes of this Act, and from Time to Time to remove such Officers and Servants, and appoint others in their Stead, or in the Room of such of them as may die, resign, or discontinue their Office or Services.

Officers to be subject to Rules, &c. established by Public Health Act.

VI. That all the Provisions contained in "The Public Health Act, 1848," with respect to the Payment of Officers by the Local Board, and the Regulation of the Conduct of such Officers, and the Penalties or other Punishment to be imposed on such Officers, and the Means of recovering such Penalties or inflicting such Punishments, shall extend to this Act, and be applicable in respect of the Officers to be appointed by virtue thereof.

Separate Account to be kept.

VII. That the Board shall cause a separate and distinct Account to be kept, to be called "The Water Account," of all Monies received and paid under the Powers and Provisions of this Act; and such Account shall be open to the Inspection of all Persons interested, and shall be audited in such and the like Manner as the Accounts kept under the Provisions of "The Public Health Act, 1848."

Power to borrow.

VIII. That it shall be lawful for the Board to borrow for the Purposes of this Act, upon the Security of the Rents, Rates, and Works authorized by this Act to be levied and made, any Sum or Sum of Money not exceeding in the aggregate Forty-five thousand Pounds; and all the Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall be applicable to the borrowing of such Sum or Sums of Money by the Board, and shall be read and construed as if the Words "the Local Board of Health for the District and Borough of *Swansea*" had been in every Case inserted therein instead of the Word "Commissioners."

Reborrowing.

IX. That if, after having borrowed the whole or any Part of the Monies which they are by this Act authorized to borrow, the Board shall pay off the same or any Part thereof, it shall be lawful for them again to borrow in manner aforesaid the said Sum, or the Part thereof so paid off, and so from Time to Time.

X. That,

Limits of Act.

X. That, subject to the Provisions of this Act and the Act incorporated herewith, it shall be lawful for the Board to supply with Water the Franchise of *Swansea*, the Parish of *Saint John*, the Village of *Foxhole*, the Hamlet of *Saint Thomas*, and also such other Parts of the Parishes of *Swansea* and *Llansamlet* and such Parts of the Parish of *Llangafelech* as are situate within the Distance of One Mile in a direct Line from any Part of the Boundaries of the said Franchise, and One Mile from any Part of the Boundary of the Parish of *Saint John*.

Power to construct Works in accordance with Plans deposited with Clerk of the Peace.

XI. Whereas a Plan and Section, showing the Line and Levels of the Reservoirs and Waterworks proposed to be constructed for the Purposes of this Act, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands and Streams in or through which the same are intended to be made or to pass, have been deposited with the Clerk of the Peace for the County of *Glamorgan*: Be it enacted, That it shall be lawful for the Board, subject to the Provisions and Restrictions in this Act and the Acts incorporated therewith contained, to make and maintain the said Waterworks, together with all proper Reservoirs, Conduit Pipes, and other Works connected therewith, in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to purchase, enter upon, take, and use such of the Lands, Streams, and Waters delineated on the said Plan and referred to in the said Book of Reference as shall be necessary for that Purpose, and to agree for a Lease or User of all or any of such Lands, Streams, and Waters, and to take therefrom such Water as the Board may require for the Purposes of this Act; but the Board shall not take or purchase any Lands or Hereditaments, or make any Reservoirs, Tanks, Works, or Drains, or take any Streams, in any other Lands or Grounds than in those therein described, without the Consent in Writing of the Owner and Occupier of the said Lands or Grounds for that Purpose first had and obtained.

Power to take, alter, and divert Springs, &c.

XII. That it shall be lawful for the Board from Time to Time to take and store up in the said Reservoirs and Works constructed or so to be constructed as aforesaid the Waters of any Springs, Brooks, Rivulets, Streams, or Drains shown on the Plans deposited as aforesaid, which may be intercepted or collected by any of the intended Works, and from Time to Time to draw off and use the Waters so stored up for the Purposes of this Act, and for the Purposes aforesaid to alter and divert the Course of the said Springs, Brooks, Rivulets, Streams, and Drains, and their Tributaries, to the Extent and in manner shown on the said Plans.

XIII. That

Power to enable Parties to grant Leases.

XIII. That the Persons empowered by the "Lands Clauses Consolidation Act, 1845," to convey Lands, shall have full Power to grant Leases of any Land and Streams for the Purposes of this Act, or to grant or lease any Easement, Power, or Authority in or over such Lands or Streams.

Rents at which Water is to be supplied for domestic Purposes.

XIV. That the Board shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street or Place in which any Pipe of the Board shall be laid, or of any Person who, under the Provisions of this Act or any Act incorporated therewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses for the Rents herein-after specified; (that is to say,)

Where the annual Rent or Value of such House shall not exceed Five Pounds, at a Rate *per* House *per Annum* not exceeding Six Shillings and Sixpence:

Where the annual Rent or Value of such House shall exceed Five Pounds but shall not exceed Seven Pounds, at a Rate *per* House *per Annum* not exceeding Eight Shillings and Sixpence:

Where the annual Rent or Value of such House shall exceed Seven Pounds but shall not exceed Ten Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings:

Where the annual Rent or Value of such House shall exceed Ten Pounds but shall not exceed Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds:

Where the annual Rent or Value of such House shall exceed Twenty Pounds but shall not exceed Forty Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds Ten Shillings:

Where the annual Rent or Value of such House shall exceed Forty Pounds but shall not exceed Sixty Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds:

Where the annual Rent or Value of such House shall exceed Sixty Pounds, at a Rate *per Centum per Annum* not exceeding Four Pounds Ten Shillings,

Board not to be bound to supply Water unless Apparatus approved by them.

XV. That the Board shall not be bound to supply any Water-closet, or the Apparatus, Cisterns, or Pipes connected therewith, or any Water for domestic Purposes, unless the Cisterns, Pipes, and Cocks necessary for such Supply shall be constructed in manner approved by the Board.

Board not to be bound to supply Water above

XVI. That, notwithstanding anything to the contrary in "The Waterworks Clauses Act, 1847," contained, the Board shall not be bound to supply Water for domestic Use in any House at any Level which

certain Levels, &c.

which shall be above the Level at which Water can be supplied from the Service Reservoir supplying the District in which such House may be situate.

Domestic Supply not to include Horses, &c.

XVII. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Horses, Cattle, or for washing Carriages, or for any Trade, Manufacture, or Business, or for watering Gardens, or for Fountains, or for any ornamental Purpose whatsoever.

Power to Board to supply Vessels at Swansea with Water.

XVIII. That it shall be lawful for the Board to supply with Water Ships or Vessels resorting to the Port of *Swansea*, and for the greater Convenience of supplying such Ships or Vessels with Water to lay and erect Pipes and other Works in convenient Stations upon or near to any of the Piers, Quays, or Wharfs within the said Borough, and also in like Manner and for the like Purpose from Time to Time to vary and alter such Pipes and other Works, or to lay or erect additional Pipes and other Works on such Parts of the Piers, Quays, and Wharfs as the Board may think necessary, and to charge such Remuneration or Rate of Payment for the Water supplied to any Ships or Vessels as may be agreed upon between the Board and the Master or Owner of any Ship or Vessel requiring such Supply.

Supply for trading and manufacturing Purposes by Agreement.

XIX. That it shall be lawful for the Board to supply any Person with Water for trading or manufacturing Purposes, or for any Purposes other than domestic Purposes, at such Rate or Price and upon such Terms and Conditions as shall be agreed upon between the Board and the Persons desirous of having such Supply of Water.

Power to make a public Water Rate on Owners of all Houses, &c. within the Borough.

XX. That the Board shall be, once in every Year, empowered to cause a Rate, not exceeding One Shilling in the Pound, to be called "The Public Water Rate," to be made and levied upon the Owners of all Dwelling Houses, Shops, Warehouses, Counting-houses, Coach-houses, Stables, Cellars, Vaults, Buildings, Workshops, Mills, and Manufactories, and of the several Gardens, Yards, or Lands thereunto belonging, and of all other Yards and Places where Goods or other Property are deposited or Business carried on within so much of the Borough as is included within the Limits of this Act, according to the full net annual Value thereof respectively, and the said Rate to be called "The Public Water Rate" shall from Time to Time be collected and paid in advance by yearly, half-yearly, or quarterly Payments, as the Board shall think proper.

Churches, Chapels, Schools, &c. not liable to be rated.

XXI. Provided always, That no Person shall be rated to the said public Water Rate in respect of any Church, Chapel, or other Building exclusively used for Public Worship, or in respect of any Building exclusively used for the gratuitous Education of the Poor, or in respect

respect of any Land, Building, or other Property belonging to the Board.

Value of Property to be according to Poor Rate.

XXII. That the annual Value of all Property rateable under this Act shall be ascertained according to the last preceding annual Assessment for the Relief of the Poor within the several Parishes, Townships, Districts, and Places within the Borough, except a Valuation shall be made as herein-after mentioned.

Power to levy Rates in respect of Property not included in the Poor Rates.

XXIII. That if any House, Building, or Lands rateable under this Act shall have been omitted from the Poor Rate, it shall be lawful for the Board to cause a Valuation to be made of the annual Rent or Value of such House, Building, or Lands respectively, and to cause the same Rates or Assessments to be made upon the Owner thereof as they could have done if such Land, House, and Building had been rated or assessed to the Rate for the Relief of the Poor.

If Poor Rates an unfair Criterion, a Valuation to be made.

XXIV. That if at any Time the Rate for the Relief of the Poor within the Limits of this Act shall, in the Judgment of the Board, be an unfair Criterion by which the Rents and Rates under this Act should be made, it shall be lawful for them to cause a Valuation to be made of the rateable Property within the Limits of this Act by some competent Person to be appointed by them for that Purpose, and the Rents, Rates, or Assessments to be made by the Board upon the Property as valued for the Purposes of this Act shall be made upon such Valuation.

Valuer to make a Declaration.

XXV. That before any such Valuation shall be made the Person appointed to make any such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially according to the best of his Judgment, and an Entry or Minute shall be made in the Book of Proceedings of the Board of the making and subscribing of such Declaration, and the Date of making the same; and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Owner may be rated without stating his Name.

XXVI. That whenever the Name of any Owner liable to be rated under the Provisions of this Act shall not be known to the Board, or to the Person making any Rate, it shall be sufficient to rate such Owner in the Rate Book of the Board as the Owner of the Property to be rated, by the Designation of "the Owner," without stating his Name.

Rates may be amended.

XXVII. That it shall be lawful for the Board from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out

out the Name of any Person who ought not to have been rated, or by increasing or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act; and no such Amendments shall be held to avoid the Rate.

Rates due from Owner may be recovered from the Occupier.

XXVIII. That when the Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall remain unpaid for the Space of Three Months, it shall be lawful for the Board or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by Distress and Sale of his Goods and Chattels, in like Manner as Rates may be recovered from the Occupiers of any Property liable to be rated: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for, any further Sum than the Amount of Rent due from him at the Time of the Demand made upon him for such Amount of Rate, or which shall after such Demand, and Notice not to pay the same to his Landlord, at any Time accrue and become payable by him, unless he shall refuse, on Application being made to him for that Purpose by or on behalf of the Board, truly to disclose the Amount of his Rent, and the Name and Address of such Person to whom such Rent is payable; but the Burden of the Proof that the Sum demanded from any such Occupier is greater than the Rent which was due by him at the Time of such Notice, or which shall have since accrued, shall be upon such Occupier.

Occupier refusing to give Name of Owner liable to a Penalty.

XXIX. That if on the Request of the Board, or of the Collector of the said Rates, the Occupier of any Property shall refuse or wilfully omit to disclose, or shall wilfully mis-state to the Board or Collector making such Request, the Name of the Owner of such Property, or of the Person receiving or authorized to receive the Rents of the same, it shall be lawful for any Justice, on Oath made before him of such Request, and of such Refusal or wilful Omission or Mis-statement, to summon the Person who shall have refused or wilfully omitted or mis-stated as aforesaid to appear at the Time and Place mentioned in such Summons before such Justice, or before some other Justice; and if the Person so summoned shall refuse or neglect to attend at the Time and Place mentioned in the Summons, or if he shall attend, and not show good Cause to the Justice then present for such his Refusal or wilful Omission or Mis-statement, it shall be lawful for such Justice, upon Proof (in case of the Neglect or Refusal to attend as aforesaid) of the due Service of the said Summons, to impose a Penalty upon such Person who shall have so refused or wilfully omitted, or have made such wilful Mis-statement, not exceeding the Sum of Five Pounds.

XXX. That

Occupier may recover Money paid for Rates due from Owner, or deduct the Amount from the Rent.

XXX. That if the Amount of any Rate which under the Provisions of this Act ought to be borne and paid by the Owner of any rateable Property shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, then the Person who shall be the Owner of such Property at the Time of such Payment or Levy shall reimburse the Occupier; and it shall be lawful for the Occupier to deduct the Sums paid or levied, together with the Costs of the Distress (if any) paid by him, for any Rent due or to become due from him in respect of such Property, and the Payment shall be a good and sufficient Discharge for such Occupier against such Owner for so much Money as he shall have paid in the Manner directed by this Act, or shall have sustained the Loss of by reason of any Distress made under this Act, or such Occupier may recover the same from such Owner as aforesaid by Action of Debt or on the Case, to be brought in any Court of competent Jurisdiction.

Owners of certain Classes of Houses may compound for Rates.

XXXI. That if the Owner of any Dwelling House within the Limits of this Act the yearly Rent or Value whereof shall not exceed Ten Pounds, or which, whatever may be the annual Value thereof, shall be let to weekly or monthly Tenants, or in separate Apartments, shall be desirous of paying reduced Rates by the Year for the same, whether occupied or not, the Board may compound with such Owner for the Payment of all the Water Rates and Charges payable by virtue of this Act in respect of such Dwelling House at any Sum not being less than Two Thirds of the annual Water Rates or Charges for the same; and all such Compositions shall be entered in the Books of the Board, and shall be recoverable in like Manner as the Water Rate authorized by this Act may be recovered.

Monies received to be carried to Water Account.

XXXII. That all Sums of Money received by virtue of the Water Rates to be levied pursuant to this Act, and all Rents and Sums of Money to be received under the Provisions of this Act, shall be carried to the Credit of the Account called "The Water Account."

Sinking and Depreciation Fund.

XXXIII. That it shall be lawful for the said Local Board and they are hereby required annually to set apart, from and out of any surplus Monies appearing upon the then yearly Balance of the said Water Account, a Sum not exceeding One Pound *per Cent. per Annum* upon the Amount raised and borrowed for the Purposes of this Act, together with the Amount of any former Surplus then remaining; and the Sum or Sums so set apart shall be carried to an Account to be called "The Sinking and Depreciation Fund;" and such Sinking and Depreciation Fund shall be from Time to Time applicable to the Redemption of Mortgages, and the Restoration and Improvement of the Works by this Act authorized, and to no other Purpose whatsoever.

Application of Penalties.

XXXIV. That the Justices by whom any Penalty or Forfeiture shall be imposed shall, where the Application thereof is not otherwise provided for, award the same to the Board, to be by them used and applied to the Purposes of this Act, as to the said Board shall appear fit.

Books to be Evidence.

XXXV. That the Books of the said Board, and all Entries made therein in manner by this Act directed, shall be received as Evidence by virtue of this Act.

Authentication of Notices.

XXXVI. That every Summons, Notice, or other such Document requiring Authentication by the Board may be signed by their Clerk, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Expenses of Act.

XXXVII. That the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Board.

Saving Rights of Local Board under 11 & 12 Vict. c. 63.

XXXVIII. That nothing in this Act contained shall prejudice or affect any of the Powers, Rights, Privileges, or Authorities vested in the said Board by "The Public Health Act, 1848," but all such Powers, Rights, Privileges, and Authorities may be exercised and enjoyed by the said Board in as full and ample a Manner as if this Act had not been passed.

Consent of General Board as to Construction of Works.

XXXIX. That it shall not be lawful for the Board to exercise any Power conferred upon them by this Act, save and except with the Consent of the General Board of Health, and subject to all the Provisions of "The Public Health Act, 1848;" and such last-mentioned Act shall be incorporated with this Act, and shall have full Force and Effect, to all Intents and Purposes, notwithstanding anything in this Act contained.

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