CHAPTER xciii.

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An Act for incorporating the Western Valleys (Monmouthshire) Water Company and empowering them to construct Waterworks and supply Water and for other purposes.

[3rd July 1891.]

WHEREAS the present supply of water to those portions of the parishes of Bedwellty Mynyddislwyn Risca and Machen in the county of Monmouth comprised within the limits of this Act is insufficient for the wants of the inhabitants thereof and it is expedient to increase and improve such supply:

And whereas the persons in that behalf in this Act named with others are willing to provide such increased and improved supply on being incorporated into a company with the necessary powers for that purpose and it is expedient that they be incorporated accordingly and be empowered to make and maintain the works in this Act mentioned:

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and also books of reference to the 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 were duly deposited with the clerk of the peace for the county of Monmouth and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

A.D. 1891. Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. **1.** This Act may be cited as the Western Valleys (Monmouthshire) Water Act 1891.

Incorporation of Acts. **2.** The Companies Clauses Consolidation Act 1845 Part I. (relating to the cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied by this Act) incorporated with and form part of this Act Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act 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 that section.

Interpretation of terms. **3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "the Company" means the Company incorporated by this Act ;

The expressions "the waterworks" and "the undertaking" respectively mean and include the waterworks and the works connected therewith and the undertaking by this Act authorised :

And for the purposes of this Act—

The expressions "the railway" "the work" and "the centre line of the railway" in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act respectively mean the filter beds and service tanks by this Act authorised and the works immediately connected therewith and such portions of the aqueducts conduits or lines of pipes hereinafter described as are to be made in tunnel ; and

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

Limits of Act.

4. The limits of this Act for the supply of water shall be so much and such parts of the parishes of Bedwellty Mynyddislwyn Risca and Machen in the county of Monmouth as include the district of the Risca Local Board and so much of the water-shed of the Sirhowy River as is situated between the western boundary of the district of the said Local Board and the southern boundary of the district of the Tredegar Local Board which limits are comprised within a blue line defined on an ordnance map signed by Sir William Houldsworth Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred copies whereof signed as aforesaid have been deposited in the Office of the Clerk of the Parliaments in the Private Bill Office House of Commons and in the office of the clerk of the peace for the county of Monmouth Provided that if in any parish or part of a parish within the said limits the Company shall not have made adequate provision for the supply of water for domestic purposes within five years after the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority as defined by that Act of any such parish or part of a parish as the case may be.

Company incorporated.

5. Thomas Foster Brown Frank James William Rees Christopher James Henry White David Morgan James Williams Ithel Treharne Rees Edward Edwards George William Wilkinson Edwin Allen Taylor David Williams James and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Western Valleys (Monmouthshire) Water Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

6. The Company shall be established for the purpose of making and maintaining the waterworks by this Act authorised and for supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and generally for carrying the powers of this Act into execution.

Capital and number and amount of shares.

7. The capital of the Company shall be forty thousand pounds in four thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

9. One-fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

10. If any money is payable to a shareholder mortgagee or debenture holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

11. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole ten thousand pounds and of that sum they may from time to time borrow any sum not exceeding in the whole two thousand five hundred pounds in respect of each ten thousand pounds of their capital but no part of any such sum of two thousand five hundred pounds shall be borrowed until shares for the whole of the ten thousand pounds of capital in respect of which it is to be borrowed are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

12. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock so created whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

13. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three hundred pounds in the whole.

Debenture stock.

14. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages.

Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock.

15. All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the

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construction thereof or by the exercise of any powers conferred on the Company.

Application of money.

16. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

Ordinary meetings.

17. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

Votes of shareholders.

18. At all general meetings of the Company every shareholder shall have one vote for each share held by him but no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then due upon the shares held by him.

Number of directors.

19. The number of the directors shall be ten but the Company may from time to time reduce the number provided that the number be not less than seven.

Qualification of directors.

20. The qualification of a director shall be the possession of not less than twenty shares.

Quorum of directors.

21. The quorum of a meeting of directors shall be five but if at any time the number of directors be reduced to seven or less than seven the quorum shall be three.

First directors.

22. The Right Honourable Godfrey Charles Lord Tredegar, William Rees, James Williams, Christopher James, Ithel Treharne Rees, George William Wilkinson, Edwin Allen Taylor, David Williams James and two persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the

Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Auditors need not hold shares.

23. It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Power to take lands.

24. Subject to the provisions and for the purposes of this Act the Company may enter upon take and use all or any of the lands defined on the deposited plans and described in the deposited books of reference.

Power to make water-works.

25. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and may exercise the powers herein-after mentioned The works herein-before referred to and authorised to be made and maintained and the powers by this Act authorised to be exercised comprise the following works in the county of Monmouth and the following powers (that is to say):—

(A) An aqueduct conduit or line of pipes (No. 1) commencing by an intake on the Nant-y-felin Brook in the parish of Bedwellty at a point eighty-two yards or thereabouts measured in a south-westerly direction down the course of that brook from the point where it crosses the fence forming the southern boundary of the enclosure numbered 1458 on the twenty-five inch ordnance map of the said parish and terminating in the same parish at or in the intended filter beds next herein-after described:

(B) Two filter beds and a service tank (No. 1) in the parish of Bedwellty to be situate by the side of the Nant-y-felin Brook in the enclosure numbered 1821 on the said ordnance map eighty-five yards or thereabouts measured in a south-westerly direction from a point where the fence between the enclosures numbered 1819 and 1455 on that map adjoins the northern fence of the enclosure numbered 1821 on the same map:

(C) An aqueduct conduit or line of pipes (No. 2) commencing in the parish of Bedwellty at or in the intended service tank (No. 1) thence proceeding down the dingle of the Nant-y-felin Brook to a point near the junction of that brook with the Sirhowy River thence across the Sirhowy River and under the Sirhowy Railway and down the Sirhowy Valley on the western side of the said railway to Argoed village thence along the

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public road through the villages of Blackwood and Gelligroes and terminating in the parish of Mynyddislwyn at a point on the public road seventeen yards or thereabouts measured in a north-westerly direction from the centre of the public road bridge over the Sirhowy River near the corn mill at Gelligroes which intended aqueduct conduit or line of pipes (No. 2) will be wholly in the said parishes of Bedwellty and Mynyddislwyn:

(D) An aqueduct conduit or line of pipes (No. 3) commencing by an intake on the Nant-y-draenog Brook in the parish of Mynyddislwyn at a point sixteen yards or thereabouts measured in a southerly direction from the place where the Nant-y-draenog Brook crosses the fence forming the southern boundary of the enclosure numbered 3439 on the twenty-five inch ordnance map of the parish of Mynyddislwyn and terminating in the same parish at or in the intended filter beds next herein-after described:

(E) Two filter beds and a service tank (No. 2) in the parish of Mynyddislwyn to be situated by the side of the Nant-y-draenog Brook and partly in each of the enclosures numbered respectively 3442 3443 and 3449 on the twenty-five inch ordnance map of the said parish:

(F) An aqueduct conduit or line of pipes (No. 4) commencing in the parish of Mynyddislwyn at or in the intended service tank (No. 2) thence proceeding down the dingle of the Nant-y-draenog Brook to the public road at Cwm-felin-fach thence for the most part along that public road down the Sirhowy Valley and through the village of North Risca to Cross Keys thence along the public road through the villages of Risca and Pontymister and terminating in the parish of Risca at a point on the main public road where the lane called Water Lane joins that public road near the dwelling-house called Byrn-clyd which intended aqueduct conduit or line of pipes (No. 4) will be situated within the parishes of Mynyddislwyn and Risca:

(G) An aqueduct conduit or line of pipes (No. 5) wholly in the said parish of Mynyddislwyn commencing by a junction with the intended aqueduct conduit or line of pipes (No. 2) at the termination thereof before described thence proceeding along the public road down the eastern side of the Sirhowy Valley through the village of Ynysddu to Cwm-felin-fach and terminating by a junction with the intended aqueduct conduit or line of pipes (No. 4) at or near the culvert conveying

the Nant-y-draenog Brook under the public road at Cwm-felin-fach:

(H) An aqueduct conduit or line of pipes (No. 6) wholly in the parish of Risca commencing by a junction with the intended aqueduct conduit or line of pipes (No. 4) at the point where the public road from North Risca joins the public road leading from Pontywaun to Risca at Cross Keys thence proceeding along the public road through Cross Keys and Pontywaun villages and terminating at or near the culvert conveying the Nant-carn Brook under the public road near Pontywaun:

Together with all such mains pipes hydrants standpipes cuts channels catchwaters aqueducts culverts tunnels drains sluices bywashes weirs gauges meters filter-beds wells tanks roads approaches embankments engines pumps machinery and appliances as may be necessary or convenient in connexion with the before-mentioned works or any of them or for obtaining using storing filtering conveying and distributing water within the limits of this Act.

Power to alter and improve works and take water.

26. The Company may subject to the provisions of this Act from time to time alter improve enlarge extend renew or discontinue all or any of the said works and may by means of the works authorised by this Act take divert collect impound appropriate and use for the purposes of the undertaking all such springs streams and waters as may be intercepted by the works by this Act authorised and also the waters of the streams known as Nant-y-felin in the parish of Bedwellty and Nant-y-draenog in the parish of Mynyddislwyn which flow into the Sirhowy River but the Company shall not abstract any water from the Nant-y-felin Brook or any tributary thereof otherwise than by means of the conduit No. 1 and intake shown on the deposited plans.

Limits of deviation.

27. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that if it be found necessary or expedient to alter the situation of any embankment or wall they may in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankment wall and works as shown with reference to the datum line to any extent not exceeding twenty feet

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but the Company shall not construct any embankment or wall of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

For the protection of the Lady Llanover Estate and of the minerals thereunder.

28. For the protection of the Right Honourable Augusta Baroness Llanover of Llanover and Abercarn in the county of Monmouth her sequels in estate and assigns (herein-after called "the owner") and of her estate in the parish of Bedwellty in the county of Monmouth and of the minerals thereunder the following provisions shall have effect (that is to say):—

(1) Notwithstanding anything in this Act or shown upon the deposited plans and sections the Company shall not purchase or acquire compulsorily more of the property of the owner than shall be necessary for the construction of the intake conduit No. 1 and the service tank No. 1 and the filter-beds connected therewith:

(2) The Company may acquire and the owner may and shall (so far as she has power so to do) sell and convey an easement or right of constructing so much of the conduit No. 2 as passes through the property of the owner and the purchase of such easements shall for the purpose of assessing compensation be deemed to be a purchase of land within the meaning of the Lands Clauses Acts:

(3) In constructing the conduit No. 2 through or under the property of the owner the Company shall lay such conduit three feet at least below the surface of the ground but the owner may at any time under the superintendence and to the reasonable satisfaction of the engineer of the Company at her own cost divert vertically the said conduit No. 2 so as to admit of the construction of any sidings or works in connexion with the proposed extensions of Halls Road Railway:

(4) The Company shall not by means of the conduit No. 2 abstract or divert any water from the Nant-y-felin Brook or any streams or springs flowing thereinto and shall after the construction of the said conduit restore the ground under which it shall be constructed to its original condition so as to allow free access to the owner her lessees and tenants to the Nant-y-felin Brook:

(5) If any difference arise between the Company on the one hand and the owner or her lessees or tenants on the other hand under the provisions of this section such difference shall be submitted to the arbitration of and shall be settled by an hydraulic engineer to be appointed (unless agreed on between the parties)

by the president for the time being of the Institute of Civil Engineers on the application of any of the parties in difference and his decision shall be conclusive and binding on the parties and the cost of the arbitration shall be borne as he shall direct.

For the protection of the Marquess of Bute.

29. For the protection of the most Honourable the Marquess of Bute and other the person or persons for the time being entitled to the farm and lands known as Tir Frederick in the parish of Mynyddislwyn in the county of Monmouth (all of whom including the said Marquess of Bute are herein-after to be deemed to be included in the expression "the said Marquess") the following provisions shall have effect:—

If at any time hereafter there shall not in the opinion of the principal agent for the time being of the said Marquess be an ample supply of good and pure water passing down the brook known as the Nant-y-draenog Brook where the same adjoins the said farm and lands known as Tir Frederick (not exceeding 50,000 gallons per day which shall be considered to be such ample supply as aforesaid) for the use for domestic and agricultural purposes of the tenants lessees and occupiers of the said farm and lands (including the tenants lessees and occupiers of any houses or buildings which may hereafter be erected thereon) the opinion of such agent being deemed conclusive both as to the sufficiency and quality of such supply the Company shall within one month after being requested in writing so to do by or on behalf of the said Marquess construct and maintain upon such part of the said farm and lands as may be appointed by or on behalf of the said Marquess and for ever thereafter maintain and keep in good repair to the reasonable satisfaction of the said Marquess or such agent as aforesaid a tank or cistern of iron or other suitable material capable of holding not less than 250 gallons of water and shall keep such cistern at all times thereafter constantly filled with good and pure water for the use for drinking domestic and agricultural purposes of the tenants lessees and occupiers for the time being of the said farm and lands including the tenants lessees and occupiers of any houses or buildings hereafter to be erected thereon Provided that if the supply of water in the Nant-y-draenog Brook shall fail or become deficient from any cause not referable to any of the acts works or operations of the Company the Company shall not under this section be compellable to provide any further supply of water than would have been afforded by the said brook if the Company had not taken any water therefrom.

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For the protection of the Monmouthshire County Council.

30. In executing the works and exercising the powers by this Act authorised so far as they affect the main roads and county and main road bridges of the county of Monmouth the following provisions for the protection of the County Council of Monmouthshire (in this section called "the County Council") shall have effect unless otherwise agreed on in writing between the County Council and the Company (that is to say):—

(1) The aqueducts conduits or lines of pipes shall be constructed and laid in such position at the side of the main road as the County Council shall by writing under the hand of the surveyor to the County Council reasonably direct:

(2) All works to be constructed or laid on along or across or in any way affecting any main road shall be executed at the expense of the Company under the reasonable superintendence and to the reasonable satisfaction of the said surveyor in accordance with plans and sections to be reasonably approved of by him in writing before the commencement of any such work Provided that if the said surveyor shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:

(3) The works shall be so executed as not to stop the traffic and so far as reasonably practicable so as not in any way to impede or interfere with the traffic of any main road or county or main road bridge or any approaches thereto:

(4) The Company shall pay to the County Council the reasonable expenses incurred by them in relation to the reasonable superintendence by this Act authorised:

(5) If any difference arise between the County Council and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.

For the protection of the Great Western Railway Company.

31. For the protection of the Great Western Railway Company (herein-after referred as "the Great Western Company") the following provisions shall apply:—

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers of the Company upon across over under or in any way affecting the railways lands and property now

belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railways canals and tramroads of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of an engineer appointed for that purpose by the Great Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in the event of any dispute or difference between such engineer and the engineer of the Company then in such manner as shall be settled by arbitration as herein-after provided:

(B) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the Great Western Company's engineer the roads over any bridges level crossings and approaches which the Great Western Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company Provided always that should the Great Western Company elect so to do where any mains or pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expenses of the Company:

(C) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways canals tramroads bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon:

(D) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leaking or failing of any such mains pipes culverts or works in under or near to any property of the Great Western Company the Company shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

(E) The Company shall acquire only such an easement across over or under any of the railways canals tramroads works or property of the Great Western Company as may be necessary for constructing or maintaining any of the works of the Company and shall pay to the Great Western Company for any such easement

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to be acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and for the purposes of the proceedings in any such arbitration the easement so to be taken shall be deemed to be lands Provided nevertheless that no payment shall be made for any works of the Company carried along public roads across under or over the railways tramroads canals works or property of the Great Western Company :

(f) If the Great Western Company at any time or times hereafter require (of which they shall be the sole judges) to construct any additional or other works upon their lands railways canal or tramroads or to alter or to repair their railways canal tramroads bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the Great Western Company may on giving to the Company fourteen days' notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be sole judge without notice divert support or carry the said works of the Company across over or under their lands railways canal tramroads bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect thereof and the Company shall at their own expense shore up or support their mains pipes culverts or other works which may be interfered with during the alteration or repair of any bridges of the Great Western Company and failing their doing so the Great Western Company may do so at the expense of the Company :

(g) Except as in this section otherwise provided any dispute or difference which may arise between the Great Western Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Company or either of them and the cost of the arbitration shall be in the discretion of such arbitrator.

For the protection of the London

32. The following provisions for the protection of the London and North Western Railway Company (herein-after referred to as

"the Railway Company") shall have full force and effect and be binding upon the Company and their assigns :—

and North Western Railway Company.

(1) In constructing or laying the aqueduct conduit or line of pipes No. 2 under the Sirhowy Railway of the Railway Company and under certain sidings belonging to or occupied by the Railway Company in connexion with the said Sirhowy Railway as also in effecting the maintenance repairs and renewals of such line of pipes the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Railway Company and according to plans to be submitted to and approved by him before any such works are commenced and all such works shall be executed by and in all things at the expense of the Company and so as not to cause any injury to such railway or sidings or interruption to the passage or conduct of the traffic over such railway or sidings and if any such injury shall arise to such railway or sidings or interruption to such traffic the Company shall make full compensation to the Railway Company in respect of such injury or interruption the amount of such compensation to be recoverable from the Company by the Railway Company together with full costs by all and the same means as any simple contract debt is recoverable :

(2) The said line of pipes shall for its entire length across the said railway and sidings and for twenty-five feet on each side of the said railway or sidings be of such materials dimensions quality and thickness as such engineer shall in writing reasonably require and the Company shall not without the consent in writing of such engineer deviate the said line of pipes vertically or laterally from the lines thereof as shown on the deposited plans and sections :

(3) The Company shall not (except with the previous consent of the Railway Company under their common seal) purchase or acquire any lands or property of the Railway Company but the Company may purchase and take and the Railway Company shall sell and grant accordingly an easement or right of using so much of the lands of the Railway Company as may be necessary for the crossing of the line of main pipes No. 2 under the lands and property of the Railway Company :

(4) In laying down executing or effecting repairs alterations or renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the Railway Company or the bridges approaches viaducts

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stations or other works or any level crossings of or repairable or used by the Railway Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Railway Company and only according to such plans to be submitted to and in such manner as shall be previously approved by him and in all things by and at the expense of the Company who shall also restore and make good the roads over any such bridges and approaches which the Railway Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over the Sirhowy Railway or at any stations thereon and if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any railway or siding bridge or level crossing the Company shall make compensation in respect thereof to the Railway Company the amount of such compensation together with full costs to be recoverable from the Company by all and the same means as any simple contract debt is recoverable.

Power to acquire additional lands by agreement.

33. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act from time to time by agreement purchase any additional quantity of land not exceeding in the whole five acres Provided that the Company shall not upon any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with their waterworks.

Restriction on taking houses of labouring class.

34. Nothing in this Act shall authorise the Company to purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purpose of this section the expression "labouring class" means and includes 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 such persons who may be residing with them.

Period for compulsory purchase of lands.

35. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years after the passing of this Act.

Period for completion of works.

36. If the works authorised by this Act and shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging altering or renewing any of their engines machinery weirs tanks pipes and other works from time to time as occasion requires for supplying water within the limits of this Act.

Power to take easements &c. by agreement.

37. 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 Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Reservation of water rights on sale.

38. On the sale by the Company of any lands they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Constant supply and pressure.

39. The water to be supplied by the Company need not be constantly laid on under pressure.

Rate at which water is to be supplied for domestic purposes.

40. The Company shall on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes at rates or charges

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not exceeding the rates and charges herein-after specified (that is to say):—

Where the rateable value of the dwelling-house or part of a dwelling-house does not exceed four pounds per annum the sum of twopence per week;

Where the rateable value exceeds four pounds but does not exceed seven pounds per annum the sum of threepence per week;

Where the rateable value exceeds seven pounds but does not exceed ten pounds per annum the sum of fourpence per week;

Where the rateable value exceeds ten pounds but does not exceed twenty pounds at a rate per annum not exceeding ten per centum of such rateable value;

Where the rateable value exceeds twenty pounds but does not exceed forty pounds at a rate per annum not exceeding eight per centum of such rateable value;

Where the rateable value exceeds forty pounds but does not exceed eighty pounds at a rate per annum not exceeding seven per centum of such rateable value;

Where the rateable value exceeds eighty pounds at a rate per annum not exceeding six per centum of such rateable value:

Rates for water-closets and private baths.

In addition to the rates and charges above specified the Company may charge for a supply of water to every water-closet beyond the first in any dwelling-house the sum of seven shillings and sixpence per annum and to every bath the sum of ten shilling and sixpence per annum Such additional sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate:

Provided also that the Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable:

For the purposes of this section rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate becomes payable or if there is no such list in force by the last rate made for the relief of the poor:

Provided that where the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Rate payable by owner for small houses &c.

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

Company not to be compelled to supply certain closets or baths.

42. The Company shall not be compelled to supply with water any water-closet or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Penalty for using water for other than domestic purposes.

43. In addition to and without prejudice to the provisions in this Act contained with regard to the misuse of water supplied by the Company no person supplied by the Company with water for domestic purposes shall use such water or suffer the same to be used for the purpose of affording power to or in connexion with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding five pounds.

Company not bound to supply water in certain cases.

44. No person shall be entitled to require nor shall the Company be bound to supply any dwelling-house with water (otherwise than by meter or special agreement) where any part of such dwelling-house is used for any trade or business purpose for which water is required.

Power to Company to supply water for other than domestic purposes.

45. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other

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purposes Provided that such supply for other than domestic purposes does not interfere with the supply for domestic purposes.

Power to sell or let meters.

46. The Company may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such rent and on such terms and conditions with respect to the repair maintaining and protection of such meter and fittings and for securing safe access to and the safety and return to the Company of such meter and fittings as may from time to time be agreed upon between the hirer and the Company and the rent of any meters let for hire by the Company shall be recoverable in the same manner as water rates rents or charges due to the Company.

Notice to Company of connecting or disconnecting meters.

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

Register of meter to be primâ facie evidence.

48. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed Provided that if the Company and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Fraudulently injuring pipes meters or fittings.

49. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water supplied or fraudulently abstracts or uses water of the Company he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any

damages sustained by them and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter.

Power to Company to supply materials.

50. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil-pans water-closets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Regulations for preventing waste &c. of water.

51. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (namely):—

(1) The Company may from time to time make regulations with respect to the construction maintenance and use of water fittings so as to prevent waste misuse undue consumption or contamination of the water of the Company to be observed by persons supplied with such water Provided always that any such regulations shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board The Company shall on payment of such sum not exceeding twopence as they may demand furnish a copy of the same to any consumer of water who may require the same No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations has been given to the sanitary authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit:

(2) The Company may by any such regulations as aforesaid direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connexion disconnexion alteration and repair of pipes valves cocks tanks cisterns baths soil-pans water-closets and other apparatus or receptacles for conveying delivering receiving and measuring

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water and may interdict any arrangement and use of any pipe valve cock tank cistern bath soil-pan water-closet or other apparatus or receptacle in their judgment likely to occasion waste misuse undue consumption erroneous measurement or contamination of water:

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

(4) A printed copy of the regulations purporting to have been made as aforesaid by the Company and to be sealed with the seal of the Company shall be taken to be proof of the due making publication and existence of such regulations until the contrary be shown and any person who shall offend against any such regulations shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day or part of a day such offence shall occur after conviction therefor.

Entry on premises to repair pipes fittings &c.

52. In all cases in which the Company are authorised to alter or repair any pipe valve cock meter tank cistern bath soil-pan water-closet or other apparatus the Company their agents and workmen may for that purpose and after giving notice as herein-after provided enter into any premises in which any such pipe valve cock meter tank cistern bath soil-pan water-closet or other apparatus is placed between the hours of nine in the forenoon and four in the afternoon.

Entry on premises to cut off pipes after notice given.

53. In all cases in which the Company are authorised to cut off or stop the pipe by or through which water is supplied to any premises and in all cases in which any premises which shall have been supplied with water by the Company shall have become unoccupied the Company their agents and workmen (after giving notice to the owner or occupier as herein-after provided) may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the Company shall be conveyed to such premises and may remove any pipe meter fittings and apparatus the property of the Company.

Notice before entry.

54. The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing and shall be given or served in manner following (that is to say):—

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry;

If such premises be unoccupied and the owner thereof and his usual place of abode be in Great Britain and be known to the Company then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in Great Britain or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry:

And for the purposes of this section any person receiving the rack-rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Company not bound to supply several houses by one pipe.

55. The Company shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Incoming tenant not liable for arrears.

56. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Recovery of sums due.

57. If any person fails to pay any water rent meter rent rate damages costs expenses or other sum due to or recoverable by the Company under this Act they may recover the same by proceedings in any court of competent or summary jurisdiction.

Notice of discontinuance.

58. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the office for the time being of the Company.

Contracts for supplying water for public purposes.

59. The Company may from time to time enter into and carry into effect agreements with any county council corporation local or sanitary authority or any company for the supply of water by the

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Company to any such council corporation local or sanitary authority or company for any purpose within the limits of this Act for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply of water for other than domestic purposes does not interfere with the supply of water for domestic purposes.

Liability for water rent not to disqualify justices.

60. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Contents of summons, &c.

61. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

Authentication of notices, &c.

62. Any summons warrant demand or notice or other document to be issued or given for any of the purposes of this Act may be partly in writing and partly in print and if it require authentication by the Company the signature thereof by the secretary of the Company shall be sufficient.

Costs of distress.

63. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Application of penalties.

64. Every penalty imposed by this Act or by any regulation made under this Act shall (except where otherwise expressly provided and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Penalties not cumulative.

65. Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

Costs of Act.

66. All costs charges and expenses of and incident to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

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