CHAPTER lxxi.

An Act for authorising the Ystradyfodwg Urban District Council to acquire the Gas and Water Undertakings of the Ystrad Gas and Water Company to construct Waterworks and for other purposes. [2nd July 1896.]

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WHEREAS the district of Ystradyfodwg in the county of Glamorgan (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the control and management of the Ystradyfodwg Urban District Council (in this Act called "the District Council"):

And whereas by the Ystrad Gas and Water Act 1868 (in this Act called "the Act of 1868") the Ystrad Gas and Water Company (in this Act called "the company") were incorporated and empowered to construct and maintain gasworks and waterworks and to manufacture gas and to supply gas and water within the limits therein defined:

And whereas by the Ystrad Gas and Water Order 1872 (in this Act referred to as "the Order of 1872") the company were authorised to construct new gasworks and to supply gas within certain places beyond the limits for the supply of gas defined by the Act of 1868 and also to extend the limits defined by the Act of 1868 for the supply of water and by the Ystrad Gas and Water Company's Gas Act 1874 (in this Act called "the Act of 1874") the time for the completion of the gasworks authorised by the Order of 1872 was extended:

And whereas by the Ystrad Gas and Water Order 1879 (in this Act called "the Order of 1879") the company were authorised to raise additional capital and by the Ystrad Gas and Water Order 1883 (in this Act called "the Order of 1883") to extend their limits for the supply of gas and to borrow further money:

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And whereas by the Ystrad Gas and Water Act 1890 (in this Act called "the Act of 1890") the company were authorised to raise additional capital and to construct additional waterworks:

And whereas the limits within which the company under the powers of the aforesaid Acts and Orders are now supplying gas and water are within the district:

And whereas it is expedient that the supply of gas and water should be under the control of the District Council and that they should be authorised to acquire the undertaking of the company and that they should be empowered to construct further waterworks and to improve the supply of water to the district:

And whereas it is expedient that powers be conferred upon the District Council as in this Act appears in relation to the supply of gas and water:

And whereas it is expedient that the District Council be authorised to borrow money and to apply their funds for the purposes of this Act:

And whereas the company have raised the whole of their share capital as authorised by the Act of 1868 and Orders of 1872 and 1879 and a portion of the additional share capital authorised by the Act of 1890:

And whereas the company have issued redeemable debenture stock under the Orders of 1879 and 1883 to the extent of twenty thousand pounds:

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

And whereas in addition to the moneys that will be required for the purchase of the undertaking of the company estimates have been prepared by the District Council for the purchase of land for and the execution of the works by this Act authorised and such estimates amount to the sum of eighty-seven thousand pounds and the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

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

And whereas an absolute majority of the whole number of the District Council at a meeting held on the 22nd day of November 1895

after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the South Wales Daily News and Western Mail local newspapers circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate:

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

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the District Council at a further special meeting held in pursuance of a similar notice on the 17th day of January 1896 being not less than fourteen days after the deposit of the Bill in Parliament:

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

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

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Ystradyfodwg Urban District Council (Gas and Water) Act 1896.

Division of Act into parts.

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

Part I.—Preliminary.
Part II.—Purchase of the company's undertaking.
Part III.—Gas.
Part IV.—Water.
Part V.—Financial and Borrowing.
Part VI.—Miscellaneous.

Provisions of certain general Acts incorporated.

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

The Lands Clauses Acts;

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the

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undertakers when the gasworks are carried on for their benefit and section 38 relating to accounts) and the Gasworks Clauses Act 1871 (except sections 7 8 and 35) shall apply to the gas undertaking of the District Council;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts) and for the purpose of incorporation with this Act section 44 of the Waterworks Clauses Act 1847 shall be read and have effect as if the words "with the consent in writing of the owner or "reputed owner of any such house or of the agent of such "owner" were omitted from such section;

The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interference therewith Provided always that those provisions shall apply only to the embankment reservoirs and works immediately connected therewith by this Act authorised and such portion of the aqueducts conduits or lines of pipes by this Act authorised as are to be made in tunnel and as if the expression "the railway" and "the centre of the railway" in those provisions meant the said embankment reservoirs and works and the portions of the aqueducts conduits or lines of pipes and the boundaries thereof respectively.

Interpretation of terms.

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

The expressions "the Undertakers" and "the Company" mean the District Council:

And in this Act unless the context otherwise requires—

"The district" means the urban district of Ystradyfodwg;

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

"The company" means the Ystrad Gas and Water Company;

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

The Acts of 1868 1874 and 1890 mean respectively the Ystrad Gas and Water Acts 1868 1874 and 1890;

The Orders of 1872 1879 and 1883 mean respectively the Ystrad Gas and Water Orders 1872 1879 and 1883;

"The undertaking of the company" means the gas undertaking and the water undertaking gasworks and waterworks lands buildings easements reservoirs plant machinery mains pipes apparatus chattels fixed and movable stock-in-trade authorities rights powers and privileges and all other the property real and personal (other than money securities for money and choses in action) vested in or belonging to the company;

"The gas undertaking" and "the water undertaking" respectively mean the gas undertaking and the water undertaking of the District Council under this Act;

"Gas revenue" and "water revenue" respectively mean and include all moneys received by the District Council for or in relation to the gas undertaking and the water undertaking respectively other than borrowed moneys and other moneys which ought to be carried to the account of capital:

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

Provided that for the purposes of this Act in the Acts and parts of Acts incorporated with this Act the expression "superior courts" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Act to be executed by District Council.

5. This Act shall be carried into execution by the District Council according to the Public Health Act 1875.

Part II.—Purchase of the Company's Undertaking.

Company to sell their undertaking.

6. The District Council shall within six months of the passing of this Act give notice in writing to the company of their intention to purchase the undertaking of the company and thereupon the company shall sell and transfer to the District Council and the District Council shall purchase of and from the company all the undertaking of the company for such price or consideration and on such terms and conditions as may be settled by agreement between the company and the District Council or in default of agreement as shall be determined by arbitration in the manner provided by the Lands Clauses Acts Provided always that the price or

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consideration to be so settled or determined shall be payable as a sum in gross and shall for the purposes of this Act be apportioned between the gas undertaking and water undertaking of the District Council according to their respective values.

Transfer to be by deed.

7. The sale of the undertaking of the company shall be carried into effect by a deed of conveyance duly stamped and truly stating the consideration which deed may be in the form set forth in the First Schedule to this Act or to the like effect with such variations and additions as circumstances may require and on the execution of that deed by the company the undertaking of the company shall by virtue of that deed and of this Act become and shall thenceforth be transferred to and vested in the District Council subject and according to the provisions of this Act and free as between the company and the District Council from all obligations debts liabilities and incumbrances affecting the same other than the debenture stock of the company and thenceforth the District Council shall in their own name and for their own benefit have and hold the said undertaking (which transfer and vesting is in this Act referred to as "the transfer") Provided that within three months from the date of the deed the District Council shall produce to the Commissioners of Inland Revenue such deed duly stamped and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of the deed to the date of payment shall be recoverable from the District Council with full costs of action and all costs and charges attending the same.

Debenture stock of the company to be a first charge.

8. The debenture stock of the company and the interest thereon shall after the transfer continue to be a first charge on the gas undertaking and gas revenue and water undertaking and water revenue Provided always that the District Council may by agreement with any holders of such stock at any time substitute for the stock so held by him any mortgage debenture or debenture stock or other security of the District Council Provided also that all moneys to be paid by the District Council to the holders of such stock shall for the purposes of this Act be apportioned between the gas undertaking and the water undertaking in the same proportion as the purchase money of the undertaking of the company according to their respective values Provided further that the District Council shall redeem and cancel the whole of the said debenture stock within two years from the date of the transfer.

Application of Company's Acts &c. to

9. From and after the transfer of the undertaking of the company all the powers rights privileges and authorities of the company

under the Acts of 1868 1874 and 1890 and the Orders of 1872 1879 and 1883 (so far as such Acts and Orders are not repealed by this Act) shall be by virtue of this Act transferred to and vested in the District Council and those Acts and Orders shall be read and have effect as if the District Council had been therein named instead of the Company subject nevertheless and according to the provisions of this Act and to the following exceptions and provisions namely :— District Council.

(1) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Acts 1863 and 1869 incorporated with the said Acts and Orders shall not apply to the District Council ;

(2) None of the provisions of the said Acts and Orders or of any Acts incorporated therewith in any manner relating to the share and loan capital of the company or to any limitation of the amount of profit to be received by the company or undertakers or to the balancing of the books or the accounts of the company or to the constitution meetings or directors of the company shall apply to the District Council ;

(3) From and after the transfer sections 57 58 59 60 61 63 65 66 74 75 78 79 80 81 82 and 83 of the Act of 1868 and section 19 of the Act of 1890 shall by virtue of this Act be repealed.

Liabilities of and actions &c. by or against company.

10. All debts and liabilities of the company other than the debenture debt which remain unpaid or unsatisfied at the time of the transfer shall as between the company and the District Council be paid or satisfied by the company and the company shall indemnify the District Council against the same and if at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the District Council as and when it might have been continued prosecuted and enforced by or against or in favour of the company if this Act had not been passed.

Company to pay outgoings and be entitled to receipts until transfer.

11. The company shall bear and pay all outgoings of every kind and shall receive all rates and other debts due to them and shall be entitled to all receipts from their undertaking up to the transfer Provided that nothing in this Act contained shall entitle the company to retain for their own benefit so much of any rates or other payments paid or payable in advance as shall be attributable to any period after the transfer but such rates or other payments shall be apportioned and so much thereof as is attributable to any period

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after the transfer shall be paid over by the company to the District Council.

Contracts of company to be binding on District Council.

12. Subject to the last preceding section of this Act all agreements conveyances contracts deeds and other instruments entered into or made with or by the company and in force at the time of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the District Council and may be enforced as fully and effectually as if instead of the company the District Council had been a party thereto.

Maintenance of undertaking of the company until transfer.

13. Until the transfer the undertaking of the company shall be maintained and carried on by the company as heretofore in the ordinary course of business but the company shall not without the previous consent of the District Council under the hand of the clerk to the District Council make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Receipt for purchase money.

14. The receipt in writing of three of the directors of the company for any money to be paid to the company by the District Council shall effectually discharge the District Council from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof:

Provided that if from any cause the District Council are unable to obtain such receipt they may pay the amount under this Act into the Bank of England in the name of the Postmaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the District Council by the cashier of the said bank for the said sum which shall have the same effect as the receipt of such three directors.

Company's books evidence as to shareholders &c.

15. The several persons who appear in the books of the company at the time of the transfer to be proprietors of shares or stock in the capital of the company shall unless the contrary is proved to the satisfaction of the directors thereof be considered to be shareholders or stockholders thereof for the purposes of the distribution of the company's assets.

Application of purchase money.

16. The purchase money to be paid by the District Council and all other moneys belonging to the company shall be applied by the directors in the manner following:—

(1) In paying off in accordance with their several priorities all moneys owing by the company on mortgage bond or other

charge on the undertaking of the company other than the debenture stock with interest thereon up to the date of payment;

(2) In discharging all other outstanding debts and liabilities of the company including any moneys which the directors of the company may have expended or become personally liable for on behalf of the company and the costs of the company of and incidental to the sale of the undertaking and to the winding up and dissolution of the company;

(3) In making a rateable division of the residue amongst the holders of the shares or stock of the company in proportion to their several interests in the divisible profits of the company at the standard rates of dividends:

And the directors may exercise all powers and do all acts necessary or proper for the foregoing purposes respectively and for winding up the affairs of the company.

Payment into court by directors.

17. Where the directors of the company are for twelve months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money or other moneys of the undertaking of the company are payable or when any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given the directors may pay the same into the High Court or if not exceeding five hundred pounds to the county court of Glamorgan holden at Cardiff under any Act for the time being in force for the relief of trustees.

Winding up and dissolution of company.

18. When and as soon as the moneys aforesaid have been distributed by the directors of the company and all debts and liabilities of the company have been paid and satisfied and the affairs of the company have been completely wound up the company shall be by virtue of this Act dissolved.

Part III.—Gas.

Part III. not to take effect until after transfer.

19. The provisions of this part of this Act shall not take effect until after the transfer of the undertaking of the company.

Gas limits.

20. The limits of this Act for the supply of gas shall be and include so much of the Rhondda Fawr Valley in the parish of Ystradyfodwg in the county of Glamorgan as is situated above and to the northward of the point where the valley is intersected by an imaginary circle the centre of which is the crown of the highway bridge over the River Rhondda in the town of Pontypridd and the radius is two miles from such centre and extending east and west across such valley and also so much of the Rhondda Fach Valley in the parish of Ystradyfodwg as is situated southward of an imaginary

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line drawn along the centre of Pontygwaith Bridge carrying the parish road over the River Rhondda Fach and extending east and west across the Rhondda Fach Valley and which limits are shown on a plan signed by the Right Honourable Lord Poltimore Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and thereon bordered brown one copy whereof has been deposited in the Office of the Clerk of the Parliaments and the other copy whereof shall within one month after the passing of this Act be deposited with the clerk of the peace for the county of Glamorgan.

Power to purchase lands by agreement.

21. The District Council may from time to time in addition to the existing gas lands vested in them under this Act purchase by agreement and may hold for the purposes of the gas undertaking any lands and hereditaments within the limits for the supply of gas not exceeding in the whole at any one time five acres but the District Council shall not create or permit a nuisance on any such lands and no lands shall be used by the District Council for the manufacture of gas or residual products except the existing gas lands which at the transfer the company are authorised by the Act of 1868 and Order of 1872 to use or purchase and use for that purpose.

Supply of gas in bulk.

22. The District Council may from time to time enter into and carry into effect agreements with any local authority of any district within or beyond the limits of this Act or any company authorised to supply gas under Parliamentary authority within any such district for the supply by the District Council to such local authority or company respectively of gas in bulk.

Power to supply gas apparatus engines &c. for heating motive and other purposes.

23. The District Council may purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the District Council as may be agreed upon between the District Council and the person to or for whom the same are sold supplied let fixed set up altered or removed.

Power to refuse to supply gas to persons in debt for other property.

24. If a person requiring a supply of gas from the District Council has previously quitted premises at which gas was supplied to him by the District Council without paying all gas or meter rent due from him the District Council may refuse to furnish to him a supply of gas until he pays the same.

Part IV.—Water.

Power to make water-works.

25. Subject to the provisions of this Act the District Council may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works following (that is to say) :—

(1) An embankment for the purpose of raising the level of the water of Lake Llynfawr to be situate wholly in the hamlet or township of Rhigos and parish of Ystradyfodwg in the county of Glamorgan to be placed across the stream (a tributary of the Nant Gwercloch Brook) flowing out of the north-easterly end of the existing lake ;

(2) An aqueduct tunnel conduit or lines of pipes to commence in the hamlet or township of Rhigos in the said parish of Ystradyfodwg in the existing lake at the extreme south-eastern end thereof and to terminate in the said parish of Ystradyfodwg in the Nant Dyrysiog Brook ;

(3) Filter beds and two service reservoirs situate wholly in the said parish of Ystradyfodwg to be constructed partly in the enclosure numbered 30 on the $\frac{1}{2500}$ Ordnance map of the said parish and partly on mountain pasture land immediately adjoining the above-mentioned enclosure to the northward thereof ;

(4) An aqueduct conduit or line of pipes (No. 1) situate wholly in the said parish of Ystradyfodwg to commence in the Cwm Fforch Stream and terminating at or in the aqueduct tunnel conduit or lines of pipes (Work No. 2) herein-before described at or near the point of termination of the same ;

(5) An aqueduct conduit or line of pipes (No. 2) situate wholly in the said parish of Ystradyfodwg to commence in the Nant-y-Selsig Brook and terminating at or in the aqueduct tunnel conduit or lines of pipes (Work No. 2) herein-before described at or near the point of termination of the same ;

(6) An aqueduct conduit or line of pipes (No. 3) situate wholly in the said parish of Ystradyfodwg to commence in or at the termination of the aqueduct tunnel conduit or lines of pipes (Work No. 2) herein-before described and terminating at or

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near the west side of the filter beds and service reservoirs (Work No. 3) herein-before described ;

(7) An aqueduct conduit or line of pipes (No. 4) situate wholly in the said parish of Ystradyfodwg to commence at or near the west side of the filter beds and service reservoirs (Work No. 3) herein-before described and terminating at the northern corner of the north-western boundary of the Ystrad Gas and Water Company's property at Tynywain and forming a junction with their supply main at or near that point ;

(8) An aqueduct conduit or line of pipes (No. 5) situate wholly in the said parish of Ystradyfodwg to commence at the service reservoirs (Work No. 3) herein-before described at the west side thereof and terminating in the public road leading from Blaen Rhondda to Treherbert ;

(9) An aqueduct conduit or line of pipes (No. 6) situate wholly in the said parish of Ystradyfodwg to commence by a junction with the aqueduct conduit or line of pipes (No. 5) herein-before described and terminating at or near the northern end of Fernhill Cottages :

Together with all cuts channels adits catchwaters aqueducts culverts tunnels drains junctions sluices byewashes weirs gauges tanks wells filter beds filters embankments dams retaining walls bridges road diversions road approaches and other roads and communications engines engine-houses mains pipes pumps and other apparatus machinery and appliances necessary or convenient in connexion with the before-mentioned works or for the effectual construction maintenance and use of the said works or incidental thereto and for collecting impounding conveying and distributing water :

Provided always that the District Council shall not supply any water by means of any of the works authorised by this Act until after the transfer to the District Council.

Power to take lands and waters.

26. Subject to the provisions of this Act the District Council may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act and they may by and in the works authorised by this Act or any enlargement thereof or any waterworks for the time being belonging to the District Council take divert collect impound appropriate and use for the purposes of the water undertaking the waters of Lake Llynfawr and all streams and springs feeders and tributaries of or which now flow into the said lake and all such streams springs and waters as will or may be taken or intercepted by the intended works or as may be found on

in or under any of the lands for the time being belonging to or which may be acquired by the District Council or over or in respect of which they have or may acquire easements and especially the following streams and waters (namely) Cwm Selsig Nant-y-Selsig Nant Sair Nant-y-Gwair Nant-yr-Ychain Nant Lluest Nant-berw-Wion Nant Melyn Nant-carn-Mosyn Nant-gareg-lwyd Nant-ynys-feio Cwm-y-fforch Nant-ton-llwyd Nant-coed-cae-tyle-fforest Nant-ystrad-ffernoll Nant-y-bwlch and Nant Dyrysiog all of which lake streams springs and waters flow as follows The streams springs and waters other than the waters of the said lake and its feeders and tributaries into the River Rhondda and the waters of the said lake and its feeders and tributaries into the Nant Gwercloch Brook thence into the River Neath.

Limits of deviation.

27. In the construction of the works authorised by this Act the District Council may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where in any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent downwards but not exceeding in the case of the reservoirs three feet upwards and seven feet downwards Provided that if it be found necessary or expedient in the construction of the reservoirs by this Act authorised to alter the situation of any embankment they may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankment reservoirs and works as shown with reference to the datum line to any extent not exceeding twenty feet but the Company shall not construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and three feet in addition.

For the protection of the Great Western Railway Company.

28. The works by this Act authorised shall be so constructed maintained repaired and used as not to cause any damage or injury to the railway and works of the Great Western Railway Company or to impede the free and uninterrupted use of the said railway and works The District Council shall at all times keep the Great Western Railway Company indemnified against all damages losses expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the bursting leaking or overflow of the Lake Llynfawr or the Embankment No. 1 or any of the other works by this Act authorised.

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For the protection of Earl of Dunraven and his lessees.

29. For the protection of the Right Honourable Windham Thomas Earl of Dunraven and Mount-Earl and his successors in estate the owner of the farms called Tydraw Henry Geilan Blaen Rhondda and Ystrad Ffernol farms and his lessees and tenants or other the owners lessees and occupiers for the time being of the mines and minerals under the said farms who are all comprised in the expression "owner and lessees" wherever employed or referred to in this section the following provisions shall have effect :—

(1) Nothing in this Act or in the Acts incorporated therewith contained shall lessen or affect the duties and liabilities imposed upon the company by sections 49 and 50 of the Act of 1868 and section 15 of the Act of 1890 or prejudice or affect any or either of the powers privileges rights and conveniences of the owner and lessees conferred by or referred to in those sections or any of them and from and after the transfer of the undertaking of the company to the District Council those sections shall be read and have effect as if the District Council had been therein named instead of the company ;

(2) Notwithstanding the works authorised and powers conferred by this Act on the District Council the owner and lessees shall be at liberty from time to time without let or hindrance to cultivate and manure the land on the said estate and to sink pits work mines and erect works and buildings upon or under any part or parts of the said estate as freely and fully as if this Act had not been passed and the District Council shall from time to time at their own expense construct and maintain such sewers intercepting drains or other works as may be found necessary to intercept and carry away all foul or impure water and sewage caused by or arising from any such pits mines works or buildings or from agricultural operations and prevent the same from flowing into the streams above the point at which the waters of such streams shall be intercepted taken or used by the District Council under this Act;

(3) The District Council may purchase and acquire an easement in the lands of the owner necessary for the purpose of constructing such sewers intercepting drains or other works ;

(4) All such sewers intercepting drains or other works shall be constructed to the reasonable satisfaction of the engineer for the time being of the owner ;

(5) The owner and lessees shall not be responsible or in any way liable to make good or to pay compensation for any injury or damage which may be occasioned or arise in consequence of any fouling of the said streams or their tributaries from or

by reason of any domestic mining agricultural or other operations;

(6) The District Council shall maintain and keep the service reservoirs or reservoir and tunnel and every aqueduct main and pipe to be constructed by them under the powers of this Act water-tight in all respects and shall from time to time make good any damage which the owner and lessees may sustain during the construction or maintenance of the waterworks by reason or in consequence of the bursting leaking or overflow of such reservoirs reservoir tunnel aqueducts mains or pipes and nothing in this Act contained shall relieve the District Council from liability to compensate and pay the owner and lessees for any damage loss or injury done or occasioned to any mines minerals or colliery workings by reason or in consequence of the construction of the said reservoirs reservoir tunnel aqueducts mains or pipes or of the breakage or leakage of the said reservoirs reservoir or tunnel or of any aqueduct main or pipe whatsoever of the District Council unless the said damage be due to some act on the part of the owner or lessees not in accordance with the proper working of the mines and minerals according to the custom of mining in the district;

(7) The owner and lessees shall not be responsible or in any way liable to make good or to pay compensation for any injury or damage to the reservoirs tunnel aqueducts mains pipes works or buildings of the District Council constructed under the powers of this Act which may be occasioned or arise directly or indirectly by subsidence or otherwise Provided that no wilful damage be done to the works of the District Council and the mines be not worked in an unusual manner or contrary to the custom of mining in the district and that no tipping be done within a reasonable distance from the District Council's filter beds or reservoirs and that no earth or rubbish be deposited on any part or parts of the conduits of the District Council without six calendar months previous notice in writing being given to the District Council who are to be at liberty on receipt of such notice to make an arch over the conduit or conduits or such part or parts thereof as they shall think fit and provided also that the owner and lessees shall from time to time and at all times after the passing of this Act give every reasonable facility to the District Council of inspecting the underground working of the mines and minerals and the working plans thereof and of taking copies of such plans and of causing such plans to be from time to

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time corrected showing the workings up to date and the owner and lessees shall not be required to give to the District Council any notice as provided by section 22 of the Waterworks Clauses Act 1847 but the District Council shall be at liberty to pay compensation for such mines and minerals to the owner and lessees and in other respects the said section shall apply as if such notice had been given;

(8) The owner and lessees shall so far as the District Council are concerned at all times be entitled notwithstanding this Act to take a sufficient supply of water for the efficient winning working converting and manufacturing of the minerals under the Blaen Rhondda and Ystrad Ffernol farms from the Rhondda Fawr River intersecting the said farms and to make such ponds and watercourses as they may think necessary for those purposes Provided that in the construction of the said ponds and watercourses no avoidable injury shall be done to any of the works of the District Council;

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

(10) If by reason of the exercise of the powers by this Act conferred on the District Council the quantity of water flowing down the stream which is formed by the confluence of the streams known as the Nant-y-Selsig Nant-y-Gwa r Nant-yr-Ychain and Nant Lluest where it passes the Dunraven Colliery shall be so diminished as to become insufficient to furnish the necessary quantity of water required for the purposes of or connected with the winning working converting and manufacturing of minerals otherwise than by hydraulic power or by condensing engines at from or through the Dunraven Colliery belonging to the owner the District Council shall from time to time and so long as the deficiency shall continue make up such quantity of water in the following manner (that is to say) The District Council shall at their own option either deliver into such stream above the point or points at which any such colliery may require to take their supply of water therefrom and cause to flow down the same in a regular equal constant

and continuous flow an additional quantity of water which when added to the flow of the stream will be sufficient to keep filled and flowing through a four-inch straight pipe nine feet in length to be laid horizontally without other connexion and to maintain it full up to the level of the upper side of the internal diameter of such pipe measured at the upper or stream end of such pipe or lay the necessary pipe to convey and deliver through the same at such colliery or works daily free of charge a quantity of water sufficient to fill a pipe of the size and description aforesaid and the owner and lessees shall so far as they lawfully can afford the District Council all necessary rights powers and facilities for laying and maintaining such pipes through in or upon any lands held leased or occupied by such owner and lessees;

(11) The District Council shall from time to time pay to the owner and lessees all such additional expenses and losses as shall be incurred by the owner and lessees by reason of the continuous working of mines and minerals under the said Tydraw Blaen Rhondda and Ystrad Ffernol farms being interrupted or the mines rendered unworkable or the working thereof being injuriously affected by reason of the making and maintaining of the works by this Act authorised;

(12) The District Council shall not under the provisions of this Act except by agreement purchase and take any lands belonging to the owner and lessees which are required for the purposes of any lines of pipes but the District Council may acquire and the owner and lessees shall grant to the District Council such easements or rights in and upon such of the lands of the owner and lessees as may be necessary for the purposes of constructing laying down enlarging renewing maintaining cleansing repairing inspecting and affording access to any tunnel line or lines of pipes and works incidental thereto by this Act authorised to be constructed or laid down by the District Council in or upon any lands or property of the owner and lessees the District Council paying to the owner and lessees and tenants of the land compensation for all such easements or rights and for all damage done to crops which he or they may sustain through the exercise by the District Council of any of such easements or rights such compensation failing agreement to be settled between the parties in the manner provided by the Lands Clauses Acts with respect to the acquisition 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

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the proceedings for the acquisition thereof and also for the purposes of any arbitration or the summoning of a jury;

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

For protection of the Troedryhw Coal Company.

30. If at any time there is not sufficient water flowing down the streams known as Nant-Coed-Cae-Tyle-Fforest and Nant-ton-Llydd together with the existing sources of supply used by the coal company other than the Rhondda River to supply the Troedyrhw Colliery Company with such water as they require for all purposes connected with the winning working converting and manufacturing of the coal company's minerals other than a water-wheel or condensers the powers conferred on the District Council of drawing water from the said streams shall cease to be exercised for and so long only as any such deficiency exists and if at any time the District Council shall fail to comply with the requirements of this section after receiving reasonable notice in writing from the coal company to cease to take water then the coal company shall be entitled under the circumstances aforesaid at any moment to enter upon the District Council's works and to stop the flow of water from the said streams into the works of the District Council.

For protection of Burnyeat Brown and Company Limited.

31. If at any time there is not sufficient water flowing down the stream known as Nant-ynys-feio Cwm-y-fforch to supply the Abergorchi Collieries Company with such water as they require for all purposes connected with the winning working converting and manufacturing of the collieries company's minerals other than a water-wheel or condensers the powers conferred on the District Council of drawing water from the said stream shall cease to be exercised for and so long only as any such deficiency exists and if at any time the District Council shall fail to comply with the requirements of this section after receiving reasonable notice in writing from the collieries company to cease to take water then the collieries company shall be entitled under the circumstances aforesaid at any moment to enter upon the District Council's works

and to stop the flow of water from the said stream into the works of the District Council.

Period for compulsory purchase of lands.

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

Time for completion of works.

33. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as are then completed.

Errors and omissions in plans or book of reference may be corrected by two justices.

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

Power to take additional lands by agreement.

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

Power to hold lands for protection of works.

36. The District Council may hold any lands required by them under the powers of this Act and which may in their opinion be necessary for the purpose of protecting their waters and waterworks against pollution nuisances encroachment or injury and so long as such necessity shall in the opinion of the District Council continue such lands shall not be deemed to be superfluous lands within the

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meaning of the Lands Clauses Acts Provided that the District Council shall not create or permit a nuisance and shall not erect or authorise or permit the erection on any such lands whilst so held by them of any buildings other than buildings necessary for or connected with their waterworks.

Power to acquire easements only for the aqueducts conduits tunnel and lines of pipes.

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

Provided always that nothing herein contained shall authorise the District Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the District Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso but this proviso shall not apply in regard to so much of the aqueduct conduit tunnel or lines of pipes Work No. 2 by this Act authorised as is constructed at a depth of not less than forty feet from the surface of the ground:

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

Power to take easements &c. by agreement.

38. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the District Council any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an

interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Owners may be required to sell parts only of certain lands and buildings.

39. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands and houses or other buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the District Council the portions only of the premises so required without the District Council being obliged or compellable to purchase the whole or any greater portion thereof the District Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Water limits.

40. The limits of this Act for the supply of water shall be and include the whole of the Rhondda Fawr Valley in the parish of Ystradyfodwg above and to the northward of the point in that valley where the Ffrwdamws Brook falls into the Rhondda River and extending east and west in such valley and which limits are shown on a plan signed by the Right Honourable Lord Poltimore Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and thereon bordered blue one copy whereof has been deposited in the Office of the Clerk of the Parliaments and the other copy whereof shall within one month after the passing of this Act be deposited with the clerk of the peace for the county of Glamorgan.

Constant supply and pressure.

41. The water to be supplied by the District Council shall be constantly laid on under pressure but the District Council shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is afforded.

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

42. Subject to the provisions of this Act the District Council 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 according to the rateable value of his dwelling-house or part of a dwelling-house not exceeding the following (that is to say) :—

Where the rateable value of the premises so supplied with water shall not exceed four pounds at a rate per annum not exceeding seven shillings and sixpence ;

Where such rateable value shall exceed four pounds and shall not exceed six pounds at a rate per annum not exceeding nine shillings and sixpence ;

Where such rateable value shall exceed six pounds and shall not exceed ten pounds at a rate per annum not exceeding eleven shillings and sixpence ;

Where such rateable value shall exceed ten pounds and shall not exceed twenty pounds at a rate per annum not exceeding one shilling and fourpence in the pound ;

Where such rateable value shall exceed twenty pounds at a rate per annum not exceeding one shilling and twopence in the pound ;

And so in proportion for any shorter period in each case :

Provided that when the water 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 herein-after mentioned the apportionment in case of dispute to be determined by two justices :

Provided also that the District Council 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 the 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 accrues or if there is no list in force by the last rate made for the relief of the poor.

Rates for watercloseets and private baths.

43. The District Council may in addition to the rates computed as above specified charge for a supply of water to every watercloset beyond the first the sum of six shillings per annum and to every fixed bath the sum of ten shillings per annum Provided that for every bath containing as usually filled for use more than fifty gallons the District Council may charge an increased rate in proportion to the size of the bath.

Supply of water in bulk.

44. The District Council may from time to time enter into and carry into effect agreements with any local authority of any district beyond the limits of this Act or any company authorised to supply water under Parliamentary authority within any such district for the supply by the District Council to such local authority or company respectively of water in bulk for any purpose and for any period Provided that it shall not be lawful for the District Council to supply water under any such agreement as aforesaid beyond the limits of this Act if and so long as such supply shall interfere with the continuing of a supply of water for domestic purposes within those limits.

For protection of the Pontypridd Waterworks Company.

45. The District Council shall not except with the consent of the Pontypridd Waterworks Company under their corporate seal supply water for any purpose either directly or indirectly in any parish township or place within the present limits of supply of water by the said company.

Byelaws for preventing waste of water.

46. For preventing waste misuse undue consumption or contamination of the water of the District Council the following provisions shall have effect:—

(1) The District Council may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and amongst other things may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the ferrules pipes meters cocks valves soil-pans watercloseets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things beforementioned or any or either of them which may lead to such waste or undue consumption nuisance erroneous measurement or contamination;

(2) No such byelaws shall be of any force or effect except within such part of the limits of this Act as the District Council for the time being are bound to supply and do in fact supply or

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are prepared on demand (subject to the provisions of the Waterworks Clauses Act 1847) to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same;

(3) All such byelaws shall be subject to the provisions contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural authority) and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties;

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

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

Regulations of company continued.

47. Until the byelaws referred to in the section of this Act the marginal note whereof is "Byelaws for preventing waste of water" shall come into force and have effect the regulations made by the company and in force at the passing of this Act shall continue in force the District Council being substituted therein for the company but the District Council shall have full power to repeal alter and amend all or any of such regulations but any such repeal alteration or amendment as aforesaid made by the District Council under this section shall not take effect unless and until confirmed by the Local Government Board and shall not require or be subject to confirmation or allowance by justices or any other authority and the provisions of the Public Health Act 1875 with respect to the power to impose

penalties not exceeding the sum of five pounds on breaches of byelaws shall be applicable to the regulations of the company continued in force Provided that the District Council shall within twelve months from the transfer submit to the Local Government Board for confirmation the byelaws referred to in the last preceding section.

Entry on premises to cut off pipes after notice given.

48. In all cases in which any premises which shall have been supplied with water by the District Council shall have become unoccupied the District Council their agents and workmen (after giving notice as hereafter provided) may enter into any such premises between the hours of ten 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 District Council shall be conveyed to such premises and may remove any pipe meter fittings and apparatus the property of the District Council.

Notice before entry.

49. The notice to be given by the District Council 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 District Council 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 District Council 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 rackrents of any such premises either on his account or as agent for any other person shall be deemed the owner of such premises.

Form and service of notices by District Council.

50. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the clerk to the District Council or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the District Council being affixed thereto or stamped thereon and any such notice may be served on such person either personally or by post by a prepaid

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letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Part V.—Financial and Borrowing.

Power to borrow.

51. The District Council may for the purposes herein-after mentioned from time to time (in addition to any other moneys which they are now authorised to borrow) borrow at interest on the security of the gas revenue and the water revenue respectively (so far as such purposes relate to the gas undertaking or the water undertaking as the case may be) and of the district fund and the general district rate as follows (that is to say):—

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

Secondly. For the purpose of acquiring the undertaking of the company and for defraying the taxed costs and expenses incident to such acquisition and to the transfer of the undertaking to the District Council (other than the costs of this Act) and for the redemption of the debenture stock of the company such sum as may be required;

Thirdly. For the purpose of the purchase of land and the construction of waterworks by this Act authorised being permanent works within the meaning of the 234th section of the Public Health Act 1875 such sum or sums of money as the District Council may from time to time think requisite not exceeding eighty-seven thousand pounds;

Fourthly. For working capital for the gas undertaking and water undertaking respectively and for additions and alterations to the gasworks and waterworks respectively such sum or sums as may be from time to time sanctioned by the Local Government Board:

And may with respect to the gas undertaking or with respect to the water undertaking from time to time mortgage the gas revenue or

the water revenue respectively and also the district fund and the general district rate for securing the repayment of the moneys so borrowed with interest accordingly Provided always that for the purposes firstly and secondly mentioned in this section the sum to be borrowed for the gas undertaking or the water undertaking respectively shall be a sum equal to such portion of the total sum required for the acquisition of the undertaking of the company including the redemption of the debenture stock of the company as may be apportioned to the gas undertaking or the water undertaking respectively under the foregoing provisions of this Act together with one moiety of the taxed costs and expenses Provided also that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the District Council may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow under this Act shall not be reckoned.

District Council to pay expenses of Local Government Board under Act.

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

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

Power to Local Government Board to direct inquiries.

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

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

54. The District Council may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same fund rate revenue and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this

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Act and such fund rate revenue or security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

Period for discharge of borrowed moneys.

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

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

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

And all moneys borrowed by the District Council under the authority of this Act with the consent of the Local Government Board may be borrowed for such term and on such conditions as the Local Government Board may prescribe:

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

Mode of payment off of money borrowed.

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

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

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

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages stock debentures or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other

than securities of the District Council and securities transferable by delivery) and if and as often as the rate of interest by investment is not equal to the prescribed rate the accumulation and any deficiency arising thereby shall be made good out of the respective funds or rates which are liable to contribute to the sinking fund;

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

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

Power to reborrow.

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

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

58. The clerk to the District Council shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Govern-

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

Application of moneys borrowed.

59. All moneys borrowed by the District Council under this Act shall be applied only to purposes for which they are by this Act respectively authorised to be raised and to which capital is properly applicable.

Application of moneys from sale &c. of land.

60. The District Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act or the Acts of 1868 and 1890 and the Order of 1872 authorised to be acquired or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the District Council Provided that such proceeds when used to pay off the borrowed moneys shall not be

applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Protection of lenders from inquiry.

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

District Council not to regard trusts.

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

Saving for existing charges.

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

District Council to keep separate accounts of gas and water undertakings.

64. The District Council shall keep separate accounts of their receipts and expenditure for gasworks and waterworks purposes respectively on capital and revenue account and they may apportion between those accounts any expenditure incurred for purposes common to both The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the District Council and the accounts of their committees officers and assistants under this Act.

A.D. 1896.

Application of gas revenue.

65. The District Council shall apply the gas revenue as follows (that is to say) :—

Firstly. In payment of their costs charges and expenses of and incidental to the collecting and recovering of gas revenue and of the borrowing of money for gasworks under this Act ;

Secondly. In payment of the working and establishment expenses and costs of management and maintenance of the gas undertaking ;

Thirdly. In payment of the interest on the amount of the debenture stock of the company by this Act apportioned to the gas undertaking until redemption ;

Fourthly. In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the gas undertaking ;

Fifthly. In providing the requisite instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act for the gas undertaking ;

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

Seventhly. In improving and extending the gas undertaking :

And any balance remaining in any year as may in the opinion of the District Council not be required for carrying on the gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five thousand pounds shall be applied by the District Council in equal moieties in reducing to the consumer the cost of gas supplied under the authority of this Act and in increasing the district fund.

Application of water revenue.

66. The District Council shall apply the water revenue as follows (that is to say):—

Firstly. In payment of their costs charges and expenses of and incidental to the collecting and recovering of water revenue and of the borrowing of money for waterworks under this Act;

Secondly. In payment of the working and establishment expenses and costs of management and maintenance of the water undertaking;

Thirdly. In payment of the interest on the amount of the debenture stock of the company by this Act apportioned to the water undertaking until redemption;

Fourthly. In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the water undertaking;

Fifthly. In providing the requisite instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act for the water undertaking;

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

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

A.D. 1896.

As to deficiency in receipts.

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

Part VI.—Miscellaneous.

Restriction on taking houses of labouring class.

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

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

Notice of discontinuance.

69. A notice to the District Council for the discontinuance of the supply of gas or water shall not be of any effect unless it is in writing and left at or sent by prepaid letter to the office of the District Council.

Several sums in one summons.

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

Liability to water rate &c. not to disqualify justices &c. from acting.

71. No justice or judge of any county court or quarter sessions 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 gas or water rate or charge under this Act.

Contracts for gas and water not to disqualify.

72. No person entering into any contract with the District Council for the supply of gas or water to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member officer or servant of the District Council or incur

any penalty by reason of such contract but any member of the District Council concerned directly or indirectly by himself or any partner in any such contract except for a domestic supply shall not take part in any proceeding relative thereto at any meeting of the District Council.

As to penalties.

73. Penalties recovered by the District Council under this Act shall belong to the District Council and shall be applied in the manner herein-before provided with respect to moneys from time to time received by them in respect of the gas revenue and water revenue Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for that purpose this Act and the Acts of 1868 and 1890 and this Act and all Acts incorporated with the said Acts respectively shall be deemed several Acts.

Expenses of Act.

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

A.D. 1896.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Form of Deed of Conveyance of the Undertaking of the Company to the District Council.

In pursuance of and subject to the provisions of the Ystradyfodwg Urban District Council (Gas and Water) Act 1896 and in consideration of the Ystrad Gas and Water Company do hereby grant convey and assign unto the District Council for the urban district of Ystradyfodwg in the county of Glamorgan the undertaking of the company as defined by the said Act and all other (if any) the property real and personal of every description vested in and belonging to the company to hold the same unto the said District Council their successors and assigns and the said District Council do accept the same accordingly.

In witness whereof the said company and the said District Council have hereto set their respective common seals this day of 189 .

THE SECOND SCHEDULE.

Lands Houses Buildings or Manufactories of which portions only may be required.

Parish.	Nos. on deposited Plan.
Ystradyfodwg	12 13 15 18 and 19

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