

[10 EDW. 7 & *Mountain Ash Water Act*, 1910. [Ch. cvii.]  
1 GEO. 5.]



### CHAPTER cvii.

An Act to authorise the Urban District Council of A.D. 1910.  
Mountain Ash to construct additional waterworks and  
for other purposes. [3rd August 1910.]

**W**HEREAS the urban district of Mountain Ash in the county of Glamorgan is an urban district within the meaning of the Local Government Act 1894 and is under the control and management of the urban district council of that district (in this Act referred to as "the Council"):

And whereas the Council own the waterworks which supply water throughout the district and the supply of water is inadequate to meet the increased and growing demands of the inhabitants and it is expedient that the provisions contained in this Act for the construction of further waterworks and the supply of additional water should be sanctioned:

And whereas it is expedient that the Council should be empowered to acquire lands for the protection of their waterworks from pollution and that other provisions should be made as in this Act contained for the improvement and regulation of the water undertaking of the Council:

And whereas the Council have borrowed on security of their water undertaking and the general district rate and district fund of the district under the provisions of the Mountain Ash Local Board Act 1886 the Mountain Ash Local Board Act 1891 the Mountain Ash Order 1896 and the Mountain Ash Water and Gas Act 1900 (which Acts and Order are herein severally referred to as the Acts or Order of the respective years in which they were passed) the sum of one hundred and twenty-five thousand three hundred and sixty-five pounds of which the

A.D. 1910. sum of ninety-six thousand three hundred and fourteen pounds is still owing :

And whereas it is expedient that the Council should be empowered to borrow further moneys for the purposes of this Act and the general purposes of their water undertaking :

And whereas in consideration of the further expenditure required for providing the additional waterworks in this Act described it is expedient that the maximum charges which the Council are authorised to levy for the supply of water should be altered :

And whereas estimates have been prepared by the Council for the purchase of land and the execution of works and other purposes of this Act and such estimates amount to the sums following (that is to say) :—

For the purchase of land and easements for and construction of waterworks seventy-four thousand seven hundred and sixty-five pounds ;

For the purchase of land for protection of waterworks from pollution seven hundred and twenty-six pounds ;

For covering the Darranlas Reservoir five thousand pounds :

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

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

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

And whereas the said resolution was published twice in the South Wales Daily News a local newspaper circulating in the district and has received the approval of the Local Government Board :

[10 EDW. 7 & *Mountain Ash Water Act*, 1910. [Ch. cvii.]  
1 GEO. 5.]

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the eleventh day of January one thousand nine hundred and ten being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1910.

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also showing the lands authorised by this Act to be purchased compulsorily together with a book of reference containing the names of the owners and lessees or reputed owners and 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 Brecknock and with the clerk of the peace for the county of Glamorgan and are in this Act respectively referred to as the deposited plans sections and book of reference:

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

1. This Act may be cited as the *Mountain Ash Water Act* 1910. Short title.

2. The following 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):— Incorporation of general Acts.

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

The Waterworks Clauses Act 1847 (except the provisions 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 of that Act with respect to accounts and except also the words in section 44 of that Act "with the consent in writing of the owner " or reputed owner of any such house or of the agent of " such owner"); and

A.D. 1910.

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 shall apply so far as regards the construction of the reservoir weirs stream-diversion and approach road and the works immediately connected therewith by this Act authorised.

Interpreta-  
tion.

3. In this Act the several words and expressions to which meanings are assigned in 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 And in this Act unless the subject or context otherwise requires—

“The Council” means the urban district council of the district;

“The district” means the urban district of Mountain Ash in the county of Glamorgan;

“The clerk” means the clerk to the Council;

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the district;

“The Act of 1886” means the Mountain Ash Local Board Act 1886;

“The Act of 1900” means the Mountain Ash Water and Gas Act 1900;

“The Act of 1909” means the Mountain Ash Urban District Council Act 1909;

“The water limits” means the limits within which the Council are for the time being empowered to supply water;

“The water undertaking” means the water undertaking of the Council for the time being;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any

county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council. A.D. 1910.

For the purposes of this Act in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act—

“The railway” means the reservoir weirs stream-diversion and approach road and the works immediately connected therewith by this Act authorised; and

“The centre of the railway” means the boundaries of each of those works respectively.

4. Subject to the provisions of this Act the Council may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections and in over upon or under the lands delineated on the said plans and described in the deposited book of reference the waterworks shown on those plans together with all necessary drains pipes sluice-valves air-valves wash-outs junctions apparatus and other works and conveniences in connexion with or incidental to such waterworks. Power to make water-works.

The principal waterworks herein-before referred to are the following:—

Work No. 1 An intercepting dam or weir wholly in the parish of Penderyn and county of Brecknock to be situate on the stream which runs through Bodwigiad Farm:

Work No. 2 An aqueduct conduit or line of pipes wholly in the said parish of Penderyn commencing in the said stream and terminating in the stream known as Nant-y-Bwllfa:

Work No. 3 An intercepting dam or weir wholly in the said parish of Penderyn and situate on the Nant-y-Bwllfa Stream:

Work No. 4 An aqueduct conduit or line of pipes wholly in the said parish of Penderyn commencing in the Nant-y-Bwllfa Stream and terminating in the enclosure numbered 878 on the Ordnance map of the parish of Penderyn (scale  $\frac{1}{2500}$  2nd edition 1904):

A.D. 1910.

Work No. 5 A reservoir to be called the Penderyn Reservoir wholly situate in the said parish of Penderyn and to be formed by means of a dam or embankment commencing in the enclosure numbered 878 aforesaid at a point 23 yards or thereabouts measured in a north-easterly direction from the termination of Work No. 4 thence passing in a southerly direction to a point in the enclosure numbered 708 on the said Ordnance map 319 yards or thereabouts measured in a north-north-easterly direction from the south-east corner of the said enclosure thence passing in a westerly direction to a point in the enclosure numbered 182 on the said Ordnance map 32 yards or thereabouts measured in an easterly direction from the western corner of the said enclosure and thence passing in a northerly direction and terminating in the enclosure numbered 181 on the said Ordnance map at a point 130 yards or thereabouts measured in a north-easterly direction from the northern corner of the enclosure numbered 177 on the said Ordnance map :

Work No. 6 A diversion wholly in the said parish of Penderyn of the stream which rises on the south side of Foel Penderyn and joins the Camnant Brook on the north side of the Great Western Railway :

Work No. 7 A catchwater conduit or line of pipes wholly in the parish of Penderyn commencing in the enclosure numbered 181 and terminating in the said last-mentioned stream at the commencement of Work No. 6 :

Work No. 8 An approach road wholly in the said parish of Penderyn commencing by a junction with the public road from Hirwain to Penderyn at a point 1253 yards or thereabouts measured in a northerly direction from the centre of the bridge carrying the said road over the Great Western Railway and terminating by a junction with Work No. 5 at its commencement :

Work No. 9 An aqueduct conduit or line of pipes commencing in the said parish of Penderyn in the enclosure numbered 711 on the said Ordnance map and passing in and through the parish of Penderyn in the county of Brecknock the parish or hamlet of Rhigos in the rural district of Neath and the parish and urban district of Aberdare and the parish of Llanwonno and urban district

of Mountain Ash in the county of Glamorgan and terminating in the Darranlas Reservoir of the Council in the parish of Llanwonno and urban district of Mountain Ash at the northern corner thereof: A.D. 1910.

Work No. 10 An aqueduct conduit or line of pipes wholly in the parish or hamlet of Rhigos in the county of Glamorgan commencing by a junction with Work No. 9 and terminating in the Nant Cadlan Brook.

In addition to the foregoing works the Council may upon the said lands make and maintain all proper and necessary embankments piers bridges roads ways wells bores water towers overflows waste-water channels tanks banks walls basins gauges filters filter beds dams sluices hatchboxes chambers wash-outs byewashes waste weirs outfalls discharge pipes shafts adits tunnels catch-waters aqueducts culverts cuts channels conduits mains pipes stand-pipes junction valves drains telegraphs telephones engines machinery apparatus roadways approaches buildings houses works and conveniences connected with or ancillary to the waterworks herein-before referred to or any of them or incidental thereto or necessary or convenient for conducting inspecting cleansing repairing or managing the same.

5.—(1) The Council may divert the footpath marked "Footpath to be diverted" on sheet No. 2 of the deposited plans in the manner shown upon the deposited plans and sections and subject to the provisions of this Act may stop up and cause to be discontinued as a footpath so much of the existing footpath as will be rendered unnecessary by the new portion of footpath marked "Intended diversion of footpath" on sheet No. 2 of the said plans. Power to divert footpath and stop up portion of existing footpath.

(2) Such stopping up shall not take place until the new portion of footpath is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Council and the road authority until two justices shall have certified that the new portion of footpath has been completed to their satisfaction and is open for public use.

(3) Before applying to the justices for their certificate the Council shall give to the road authority of the district in which the existing footpath is situate seven days' notice in writing of their intention to apply for the same.

A.D. 1910.

(4) As from the completion of the new portion of footpath to the satisfaction of the road authority or as from the date of the said certificate (as the case may be) all rights of way over or along the existing footpath or portion thereof shall be extinguished and the Council may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purpose of their undertaking the site of the portion of footpath stopped up as far as the same is bounded on both sides by lands of the Council Provided that the Council shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Lateral and  
vertical  
deviation.

6. The Council in constructing the works by this Act authorised may make deviations from the lines of such works but not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries or fences of such road shall be deemed to be such limits and they may also deviate from the levels delineated on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards Provided that the Council shall not in the exercise of the powers of lateral deviation hereby given make any embankment or retaining-wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition Provided also that no part of any line of pipe shall be constructed or laid so as to be above the surface of the ground except so far as is shown on the deposited sections.

Power to  
take lands  
and water.

7. Subject to the provisions of this Act the 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 they may require for the purposes of the water undertaking and may for the purposes of their waterworks collect impound take use divert and appropriate the waters of the following streams (namely) The streams flowing through Bodwigiad Farm and the Nant-y-deri and the Nant-y-Bwllfa and all such springs streams and waters as may be intercepted by the works by this Act authorised.



8.—(1) Proper gauges shall be erected and maintained by the Council at the intercepting weir Work No. 1 by this Act authorised on the Bodwigiad Farm Stream and at the intercepting weir Work No. 3 by this Act authorised on the Nant-y-Bwllfa Stream through apertures in which gauges the following quantities of water shall be allowed to pass and flow down the said streams respectively (that is to say) As regards the gauge on the Bodwigiad Farm Stream at the rate of fourteen thousand two hundred and ninety-four gallons in every day of twenty-four hours and as regards the gauge on the Nant-y-Bwllfa Stream at the rate of fifty thousand one hundred and fifty-three gallons in every day of twenty-four hours and the said gauges shall be open to the inspection of the Taff and Ely Fishery Board and of all persons interested therein.

A.D. 1910.  
Water not  
to be ab-  
stracted  
except when  
flow in  
stream  
exceeds  
prescribed  
minimum.

(2) On any such day during such time as the flow of water in the Bodwigiad Farm Stream shall be less than at the rate of fourteen thousand two hundred and ninety-four gallons per day of twenty-four hours the Council shall not be entitled to draw any water therefrom and on any such day during such time as the flow of water in the Nant-y-Bwllfa Stream shall be less than at the rate of fifty thousand one hundred and fifty-three gallons per day of twenty-four hours the Council shall not be entitled to draw any water therefrom but during such time as the flow of either of the said streams is in excess of the said respective rates the Council may take all or such part of the excess as they may require.

(3) In case of any neglect on the part of the Council to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of water mentioned in subsection (1) hereof shall not so pass and flow down the said streams the Council shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby including the said Fishery Board (who may within three months of such neglect or default sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them Provided that such penalty shall not be incurred until notice of any such neglect as aforesaid shall have been given by or on behalf of the person or persons affected thereby at or sent by post addressed to the office of the Council (which notice if sent by post shall be

A.D. 1910. deemed to have been served at the time at which it would in due course of post be delivered) and the Council shall have failed for twenty-four hours after such notice to comply therewith and so that if the Council shall at any time within fourteen days after any such notice take or divert any water contrary to the provisions of this section such penalty shall be incurred without any further notice.

(4) If any difference arises between the Council and the Taff and Ely Fishery Board or any person so interested with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President for the time being of the Institution of Civil Engineers and this subsection shall be deemed to be a submission under the Arbitration Act 1889.

(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the said streams and the tributaries thereof which the Council can abstract divert collect impound or appropriate by means of the works by this Act authorised.

Limiting powers of Council to abstract water.

9. The Council shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them unless the well and works and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Council may acquire easements only in certain cases.

10.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Council have acquired easements only under the provisions of this section the Council shall not 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 be subject to such easements

have the same rights to use and cultivate the said lands at all times as if this Act had not passed. A.D. 1910.

(3) Provided always that nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the 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 provision.

**11.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

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

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Council or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the jury arbitrators or

A.D. 1910.

other authority to whom the question of disputed compensation shall be submitted (in this Act referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be so severed:

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion which the tribunal shall have determined to be so severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit. A.D. 1910

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

**12.**—(1) The tribunal shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if they or he shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Costs of arbitration &c. in certain cases.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the

A.D. 1910. claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contains or is endorsed with a notice of the effect of this section.

Period for compulsory purchase of lands.

**13.** The powers of the Council for the compulsory purchase of lands for or in connexion with Work No. 9 by this Act authorised shall cease after the expiration of three years from the passing of this Act and for or in connexion with the other works by this Act authorised shall cease after the expiration of five years from the passing of this Act.

Persons under disability may grant easements &c.

**14.** 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 Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges 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.

Power to hold lands and execute works for protection of waters and waterworks.

**15.** For the purpose of protecting any of their waters and waterworks against pollution contamination nuisance encroachment or injury the Council may hold any lands acquired by them for the purposes of the water undertaking and may in and upon any such lands construct lay down and maintain drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing in or over such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted fouled contaminated or discoloured and the Council may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within or adjoining the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

16. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoir and works by this Act authorised with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Council flowing to upon or from such lands directly or derivatively into such reservoir and works.

A.D. 1910.  
Power to  
agree as to  
drainage of  
lands &c.

17. The Council may for the purposes of the water undertaking cover in or roof over the existing Darranlas Reservoir.

Power to  
cover exist-  
ing reservoir.

18. The water to be supplied by the Council need not be constantly laid on under pressure greater than can be supplied by gravitation from the reservoir or other work from which the supply shall be taken.

Pressure.

19. The Council may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the water undertaking and may erect and maintain dwelling-houses for such persons upon any lands for the time being belonging to the Council for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Council for the purposes of the said undertaking.

Dwelling-  
houses for  
persons in  
Council's  
employment.

20. Subject to the provisions of the Lands Clauses Acts or any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands vested in them for waterworks purposes or any interest therein and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to  
retain sell  
&c. lands.

A.D. 1910.

Reservation  
of water  
rights on  
sale.

**21.** The Council on selling any lands acquired for or in connexion with the water undertaking and not required for that purpose may reserve to themselves all or any part of the 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 and otherwise as they may think fit.

Application  
of moneys  
from sale of  
lands.

**22.** The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act 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 Council and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Period for  
completion  
of works.

**23.** If the works shown on the deposited plans are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Council for executing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Provided always that subject to the restrictions and provisions of this Act the Council may at any time after the expiration of the said period lay down additional lines of pipes and nothing in this section shall restrict the Council from renewing extending enlarging altering reconstructing or removing any of their tanks gauges drains sluices catchpits conduits culverts valves washouts byewashes engines pumps machinery buildings apparatus filter beds mains pipes or other works or plant at any time and from time to time as occasion may require.

Waterworks  
to form part  
of existing  
water un-  
dertaking.

**24.** The waterworks by this Act authorised shall form part of the existing water undertaking of the Council and all statutory powers and provisions for the time being in force with respect to the said undertaking shall so far as applicable extend and apply to and in connexion with the said waterworks.



**25.** For the protection of the Marquis of Bute his sequels in estate and assigns (all included in the expression "the Marquis" when herein-after used) the following provisions shall have effect except so far as may be otherwise agreed between the Council and the Marquis:—

A.D. 1910.  
For protection of  
Marquis of  
Bute.

(1) The Council shall not under the powers of this Act purchase or take compulsorily any land or property of the Marquis other than easements for constructing and maintaining the aqueducts conduits or lines of pipes being Works No. 9 and No. 10 hereby authorised (hereafter in this section referred to as "the said conduits") but the Council may acquire and the Marquis on being duly required so to do shall sell and grant to the Council the necessary easements for the construction and maintenance of the said conduits in accordance with the provisions of this Act:

(2) The said Work No. 9 where it will pass through the property of the Marquis shall be constructed so as not at any point to approach nearer to the house belonging to the Marquis known as Ty Newydd than the centre line of the said Work No. 9 as shown on the deposited plan and the Council shall make compensation to the Marquis his lessees or tenants for any damage to the surface or to any crops animals fences or works thereon which may happen by accident or otherwise by reason of or in the course of the construction or maintenance of the works of the Council:

(3) It shall be lawful for the Marquis his lessees and tenants to manage cultivate and develop the lands through or under which the said conduits shall be constructed and to work the minerals underlying any such lands and to do all acts necessary or convenient for those purposes including the construction of any roads railways tramways or other similar works upon the surface crossing the said conduits without being responsible to the Council for any injury to the said conduits whether by subsidence occasioned by working minerals or by reason of pressure from the weight of any such works as aforesaid constructed on the surface and any alteration strengthening or protection

A.D. 1910.

of the said conduits which the Council may consider necessary or desirable on account of any works or operations of the Marquis shall be carried out at the expense of the Council but before commencing any such work upon the surface the Marquis shall give reasonable notice to the Council and shall permit them to execute any reasonable diversion of the conduits or any such strengthening works as aforesaid:

- (4) If in constructing or maintaining the said conduits or any work of the Council the existing weir across the River Cynon and the feeder leading therefrom to and for the supply of the works (at present disused) known as the Hirwain Ironworks shall be interfered with or damaged the Council shall forthwith make good such damage.

For protec-  
tion of Aber-  
dare and  
Aberaman  
Consumers  
Gas Com-  
pany.

**26.** For the protection of the Aberdare and Aberaman Consumers Gas Company (in this section called "the company") the following provisions shall unless otherwise agreed apply and have effect (that is to say):—

- (1) At least fourteen days before commencing the execution of any works by this Act authorised which will in any way interfere with or affect any mains pipes or apparatus of the company (including the private service pipes of any consumer of gas supplied by the company and herein-after together called "apparatus") the Council shall submit to the company plans sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and (except in the case of emergency) a notice stating the date when it is proposed to commence such works and if within fourteen days from the submission of such plans sections and description the company disapprove thereof or make any further requirements in relation thereto such works shall not be commenced until the said plans sections and description have been agreed or settled by arbitration as herein-after provided. Provided that if the company do not within fourteen days after such submission signify their approval or disapproval of the said plans sections and description or their requirements in relation thereto they shall be deemed to have

approved thereof and the company's apparatus shall be dealt with (at the cost in all things of the Council) only in accordance with such plans sections and description and all works involving the interference with or affecting such apparatus shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the company and the reasonable costs charges and expenses of such superintendence shall be paid by the Council : A.D. 1910.

- (2) The engineer of the company shall if the company think fit have the sole direction and management of and may at the reasonable cost in all things of the Council execute all such works as may be reasonably necessary for the diversion shoring up or supporting or otherwise altering the position of and restoring and protecting any such apparatus belonging to the company which it may be necessary to divert shore up support alter restore or protect by reason of the execution of the works by this Act authorised and for preventing any interruption to the supply of gas by the company :
- (3) If any interruption whatsoever in the supply of gas by the company or any loss of gas shall be in any way occasioned or sustained by any act or omission of the Council or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Council shall pay to the company such compensation as may be agreed or failing agreement as shall be settled by arbitration as provided by this section :
- (4) The expense of all repairs or renewals of any apparatus of the company or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Council their contractors agents workmen or servants or any person in the employ of them or any or either of them or rendered necessary by reason of any subsidence resulting from the works of the Council whether during the construction of the said works or at any time thereafter shall be borne and paid by the Council and may be recovered against the Council by the company :

A.D. 1910.

(5) If any difference arises respecting any matter under this section between the Council and the company or their respective engineers or concerning any plans sections or description to be delivered to the company under the provisions of this section the matter in difference shall unless otherwise agreed be determined by an engineer to be agreed upon or failing agreement to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall extend and apply to the determination of such difference.

For protection of  
Powell  
Duffryn  
Steam Coal  
Company  
Limited.

**27.** For the protection of the Powell Duffryn Steam Coal Company Limited (herein-after referred to as "the company") the following provisions shall unless otherwise agreed apply and have effect (that is to say):—

(1) The execution of any works by the Council including works of maintenance repair and removal (all of which works are herein-after referred to as "waterworks") under or in pursuance of this Act under the sidings or other property of the company situate in the parish and urban district of Aberdare in the county of Glamorgan shall be done under the superintendence and to the reasonable satisfaction of the company and according to plans sections and specifications to be submitted to and reasonably approved by them before any such works are commenced Provided that if the company shall fail to give such superintendence at the time specified in a notice in writing to be given by the Council to the company of their intention to commence the waterworks such notice to be accompanied by sufficient plans sections and specifications not less than fourteen days before the time specified in such notice such works may be executed without their superintendence and if the company shall refuse or neglect to approve such plans sections and specifications within fourteen days after they shall have been submitted a difference shall be deemed to have arisen between the Council and the company which difference shall be determined as herein-after provided Provided further that the

company may at any time at their own expense divert where necessary any of the Council's mains or pipes which may be laid under the property of the company but previous to diverting any mains or pipes of the Council the company shall give notice thereof to the Council and submit plans showing the nature and extent of the diversion for the Council's approval which approval shall not be unreasonably withheld and the Council shall have the option of carrying out any such diversion at the expense of the company :

- (2) The waterworks shall be executed by and in all things at the expense of the Council and in such manner as not to cause any injury to the sidings or other property of the company or interruption to the passage or conduct of traffic thereon or any diminution of the supply of water on or under any property of the company :
- (3) The Council shall bear and on demand pay to the company all reasonable and proper expenses of the employment by the company of a sufficient number of inspectors watchmen and flagmen to be appointed by the company for watching and signalling their sidings property and works with reference to and during the execution of the waterworks and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employment of the Council or of their contractors :
- (4) Notwithstanding anything in this Act contained or shown on the deposited plans the Council shall not for the purpose of the waterworks acquire any greater or other estate in the property of the company than an easement or right of using such property in perpetuity for the purpose of making and maintaining the waterworks Provided that the company shall not be liable to the Council for any loss or damage caused by the subsidence of any of the waterworks :
- (5) The Council shall make good to the company and indemnify them against any injury loss damage cost

A.D. 1910.

or expense caused to or incurred by the company in respect of their existing sidings and other property or in respect of the traffic thereon or in respect of damage to their mines or underground workings occasioned by or arising from the construction of any of the waterworks whether the same shall be occasioned or arise during or after the construction of the waterworks and whether the same shall be due to bursting giving way or leakage of any of the Council's aqueducts and lines of pipes or otherwise and whether the same shall be due to the negligence or default on the part of the Council or not Provided that the Council shall not be liable in the event of damage through subsidence caused by the operations of the company :

- (6) In the case of any such injury and damage as aforesaid to the said sidings or other property or the traffic thereon the Council shall in the event of such damage being caused by them at their own charge cost and expense restore the said sidings and other property to perfect working order :
- (7) All questions and differences which may at any time arise between the Council and the company as to the construction and effect of any provisions of this section and as to the compensation to be paid to the company shall be determined in accordance with the Arbitration Act 1889 by an arbitrator to be appointed by the Council and the company or if they cannot agree by an engineer to be appointed by the President of the Institution of Civil Engineers upon the application of either party.

For protection of county council of Glamorgan.

**28.** The reinstatement of any main road within the county of Glamorgan broken up under the powers of this Act shall include the application of a sufficient layer of surface metalling of the same specification as that employed by the road authority for the particular road and where the road is ordinarily repaired by the use of a steam or other roller shall include the use of such roller on the places where the road has been broken up until the surface thereof has been made uniform with the unbroken surface adjoining.

29. The following provisions for the protection of the company of proprietors of the Aberdare Canal Navigation (in this section referred to as "the company") shall notwithstanding anything in this Act contained apply and have effect except so far as may be otherwise agreed between the company and the Council:—

A.D. 1910.  
For protection of  
Aberdare  
Canal  
Company.

(1) The construction or laying of any aqueduct conduit or line of pipes under or in pursuance of this Act into through under over or across any railway or tramway or other property of the company and any works of maintenance repair and renewal of such aqueduct conduit or line of pipes other than urgent repairs in case of accident (all of which works are hereinafter referred to as "the said waterworks") shall be done under the superintendence and to the reasonable satisfaction of the engineer of the company and according to plans sections and specifications to be submitted to and reasonably approved by him before any such works are commenced or in the event of any dispute or difference between such engineer and the engineer of the Council then in such manner as shall be settled by arbitration as herein-after provided Provided that if the said engineer shall fail to superintend at the time specified in a notice to be given by the Council to the company of their intention to commence the said waterworks (such time being except in cases of emergency not less than fourteen days from the giving of the notice) such works may be executed without his superintendence and that unless the said engineer shall give notice of his disapproval of such plans sections or specifications and of his grounds thereof within fourteen days after they shall have been submitted he shall be deemed to have approved thereof:

(2) The said waterworks shall be executed by and in all things at the expense of the Council and in such manner as not to cause either during or after the construction thereof any injury to any railway or tramway or other property or to the agents or servants of the company or interruptions to the passage or conduct of the traffic on such railway or tramway

A.D. 1910.

and if any such injury or interruptions shall arise the Council shall make compensation to the company in respect thereof :

(3) The Council shall bear and on demand pay to the company the reasonable expenses of superintending the execution of the said waterworks :

(4) The Council shall not under the powers of this Act purchase or take compulsorily any property of the company but the Council may purchase and take and the company shall at the request of the Council sell and grant an easement or right of using so much of the lands of the company as may be necessary for the construction of the said waterworks into through over under or across the railway or tramway and other property of the company and the Council shall pay to the company in respect of any such easement or right such sum as shall in case of dispute be determined by arbitration under and in accordance with the provisions of the Lands Clauses Acts with respect to the settlement of cases of disputed compensation under those Acts :

(5) The Council shall at all times maintain the said waterworks where they will be upon the lands or affect the undertaking of the company in substantial repair and good order to the reasonable satisfaction of the said engineer and if and whenever the Council fail so to do the company after giving except in cases of emergency to the Council fourteen days' notice in writing of their intention so to do may make and do in and upon as well the lands of the Council as their own lands all such works repairs and things as may be reasonably requisite and the reasonable amount of such expenditure shall be repaid to the company by the Council :

(6) If at any time hereafter the company require to make any alterations of or to widen their railway or tramway or to increase their railway or tramway accommodation at the places where the said waterworks pass into through over under or across the railway or tramway and property of the company the Council shall at their own cost make such alterations of the said



waterworks within the existing boundaries of the company's property as without interrupting the supply of water by the Council may be reasonably required by the company to enable them to carry out such alteration or widening of the railway or to provide such increased accommodation and the provisions of this section shall so far as applicable extend and apply to the execution and carrying out by the Council of any such alterations of the said waterworks:

A.D. 1910.

- (7) If any difference shall arise between the Council and the company or their respective engineers touching the matters referred to in this section or anything to be done or not to be done thereunder such difference shall (except where the determination thereof is otherwise provided for) be referred to and determined by an engineer to be nominated by such respective engineers or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of the Council or the company and the provisions of the Arbitration Act 1889 shall apply to any such reference.

**30.** For the protection of Morgan Harris Whitting or other the owner for the time being of the Bodwigiad Estate in the parish of Penderyn (herein-after called "the owner") the following provisions shall unless otherwise agreed have effect (that is to say):—

For protection of owner of Bodwigiad Estate.

The Council shall provide and maintain on the Bodwigiad Stream at the point at which they take water out of the stream or below the said point (herein-after called "the intake") as by the owner and the Council may be agreed a tank of sufficient capacity to hold fifty thousand gallons of water with an outlet or scouring pipe fitted with a regulating valve for the purpose of storing and supplying water for the washing of sheep at the sheep-washing pond below the intake. The said tank shall be in lieu of certain temporary impounding reservoirs or pools upon the stream above the intake which the owner will cease in future to make or use and so avoid any danger of pollution or interference with water above the intake by sheep washing.

A.D. 1910.

For pro-  
tection of  
Aberdare  
Urban  
District  
Council.

**31.** For the protection of the urban district council of Aberdare (in this section referred to as "the Aberdare Council") the following provisions shall unless otherwise agreed in writing between the Aberdare Council and the Council have effect (that is to say):—

- (1) In constructing the aqueducts conduits or lines of pipes by this Act authorised within the district of the Aberdare Council the Council shall construct and lay the same in such lines and situations within the limits of deviation as shown on the deposited plans and as expressed in this Act as the Aberdare Council may reasonably direct having regard to the lines situations and levels of the water and gas mains drains and sewers then existing:
- (2) In any case where any aqueducts conduits or lines of pipes by this Act authorised will cross the lines of any water pipes mains service pipes or surface water drains of the Aberdare Council the Council shall carry the same so as not to interfere with the said water mains pipes service pipes and surface water drains at such depth and in such a manner as may be reasonably sufficient and necessary:
- (3) Every aqueduct conduit or line of pipes shall where practicable be laid at a distance of three feet at least from any water main pipes service pipes surface water drains or sewers of the Aberdare Council (except where it may be necessary for the same to be laid across any such water mains pipes service pipes surface water drains or sewers) and every aqueduct conduit or line of pipes of the Council laid across any water mains pipes service pipes surface water drains or sewers of the Aberdare Council shall be so constructed or laid as to leave where practicable between them a space of one foot at least and to be self-supporting for a distance of two feet at least on either side of such water mains pipes service pipes surface water drains or sewers at the point of crossing so that the Aberdare Council may the more easily repair the same water mains pipes service pipes surface water drains and sewers when necessary:

- (4) In constructing the aqueducts conduits or lines of pipes by this Act authorised within the district of the Aberdare Council it shall not be lawful for the Council to remove or displace any of the mains pipes service pipes valves hydrants surface water drains sewers or other works belonging to the Aberdare Council or to do anything to impede the passage of water into or through such mains pipes service pipes hydrants valves or of surface water or sewage into or through such surface water drains or sewers until good and sufficient mains pipes service pipes hydrants valves surface water drains and sewers and all other works necessary or proper for continuing the supply of water and the passage of surface water and sewage as efficiently as the same are supplied and carried by the mains pipes service pipes hydrants valves surface water drains and sewers proposed to be removed or displaced shall at the expense of the Council have been first made and laid down in lieu thereof and as far as practicable be ready for use in a position as little varying from that of the mains pipes service pipes hydrants valves surface water drains and sewers to be removed or displaced as may be consistent with the construction of the works by this Act authorised and to the reasonable satisfaction of the engineer of the Aberdare Council:
- (5) Except as in this Act provided nothing in this Act shall be deemed to confer upon the Council any power of supplying water within the district of the Aberdare Council and the Council shall not in the exercise of the powers of this Act acquire any land construct any works or take or appropriate any water so as to interfere with or prejudicially affect the waterworks or the present sources of water supply of the Aberdare Council:
- (6) All works to be constructed or laid by the Council under the powers of this Act within the district of the Aberdare Council in along or across or in any way affecting any street or bridge or approach to a bridge vested in or repairable by the Aberdare Council shall be executed at the expense of the Council under the

A.D. 1910.

A.D. 1910.

superintendence and to the reasonable satisfaction of the surveyor of the Aberdare Council and in accordance with plans sections and specifications to be submitted to and approved of in writing by him before the commencement of such works 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:

- (7) The Council shall on demand pay to the Aberdare Council the reasonable costs which the Aberdare Council may incur in the repair and reinstatement of so much of any street or bridge or approach to a bridge vested in or repairable by the Aberdare Council in or along which any aqueducts conduits or lines of pipes may be laid by the Council under the powers of this Act as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of such aqueducts conduits or lines of pipes or any part or parts thereof Provided nevertheless that such repairs and reinstatement may on the request of the Council but subject to the approval of the Aberdare Council be executed by the Council:
- (8) All works to be executed by the Council under the powers of this Act within the district of the Aberdare Council shall as far as practicable be so executed as not in any way to stop or unreasonably interfere with the traffic of any street bridge or approach to a bridge and all such works shall be proceeded with and completed with all reasonable despatch:
- (9) The Council shall not without the written consent of the Aberdare Council open or break up at any one time a greater consecutive length than one hundred yards of any street within the district nor shall such openings or breakings up be carried out without leaving a clear space of at least a quarter of a mile between consecutive openings or breakings up unless with the like written consent:

(10) All works to be executed by the Council under the powers of this Act shall be so executed as not unnecessarily to interfere with any sewers water mains pipes surface water drains electric lines pipes or apparatus of the Aberdare Council and the Council shall to the satisfaction of the Aberdare Council provide and construct such works as may be reasonably required by the Aberdare Council for supporting such sewers water mains pipes surface water drains electric lines pipes and apparatus: A.D. 1910.

(11) The Aberdare Council shall not be held liable to the Council for any damage which may be done to the aqueducts conduits lines of pipes valves hydrants or other apparatus or works of the Council by reason of the use of the steam rollers of the Aberdare Council in the repair of the streets or in passing over the streets for the purpose of being so used or otherwise or by reason of the use by the Aberdare Council of any car cart waggon or other vehicle not exceeding twenty tons in weight propelled by motor electrical mechanical or other power upon the streets:

(12) The Council shall make good to the Aberdare Council and indemnify them against any injury loss damage cost or expense caused to or incurred by the Aberdare Council occasioned by or arising from the construction of any aqueducts conduits or lines of pipes valves hydrants and any other works whether the same shall be occasioned or arise during or after the construction of the aqueducts conduits or lines of pipes valves hydrants and any other works and whether the same shall be due to the bursting giving way or leakage of any of the Council's aqueducts conduits or lines of pipes valves hydrants and any other works or otherwise and whether the same shall be due to the negligence or default on the part of the Council or not:

(13) The Council shall pay to the Aberdare Council the reasonable costs incident to the examination of the plans sections and specifications and the superintendence by this section authorised but such costs shall not include anything in respect of the services of the permanent salaried officials of the Aberdare Council:

A.D. 1910.

(14) If any difference arises between the Council and the Aberdare Council touching this section or anything to be done or not to be done thereunder or as to whether anything required to be done or not to be done is reasonable or not such difference shall be settled by arbitration by an engineer or other fit person to be agreed upon by the parties in difference or failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either of the parties and the provisions of the Arbitration Act 1889 shall apply to every such reference.

For protec-  
of Ponty-  
pridd and  
Rhondda  
Joint Water  
Board.

**32.** Where any of the works by this Act authorised are intended to be constructed within the limits of deviation within which any of the works authorised by the Pontypridd Waterworks and Tramroad Act 1908 or the Pontypridd Waterworks (Amendment) Act 1909 or the Pontypridd and Rhondda Water Bill 1910 now before Parliament are or if such Bill becomes an Act will be authorised to be constructed the first-mentioned works shall be constructed in accordance with such plans sections and specifications and subject to such other terms and conditions as may be agreed between the Council and the board intended to be constituted under the said Bill (in this section referred to as "the board") or as failing agreement may be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall extend and apply to the determination of such difference Provided that if the board shall not within one month after the said plans sections and specifications shall have been submitted express their approval or disapproval thereof or signify their requirements in relation thereto they shall be deemed to have approved thereof Provided also that in determining the position in which and the terms and conditions upon which any such works as aforesaid shall be constructed by the Council within the parish of Aberdare the arbitrator shall take into consideration any obligation to which the board may be subject under section 51 (For protection of Aberdare Urban District Council) of the Pontypridd Waterworks and Tramroad Act 1908 and also any obligation to which the Council may be subject under the section of this Act of which the marginal note is "For protection of

Aberdare Urban District Council" but nothing in this section shall be deemed to render the board subject to any obligation imposed upon the Council under the last-mentioned section or to render the Council subject to any obligation imposed upon the board under the said section 51 of the Pontypridd Waterworks and Tramroad Act 1908. A.D. 1910.

**33.** The following provisions for the protection of the Great Western Railway Company (in this section referred to as "the Great Western Company") shall unless otherwise agreed between the Council and the Great Western Company apply and have effect:— For protec-  
tion of  
Great West-  
ern Railway  
Company.

- (1) The Council shall construct Work No. 9 and the works in connexion therewith by this Act authorised so far as the same pass under adjoin or affect the railways lands or works of the Great Western Company so as to leave undisturbed at all times the lines of railway and other works connected therewith of the Great Western Company and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railways or with the traffic thereon and if any such obstruction or interference shall be caused or take place the Council shall pay to the Great Western Company full compensation in respect thereof:
- (2) The Council shall construct Work No. 9 where the same will pass under or adjoining the railways of the Great Western Company and all works both temporary and permanent necessary and incident to the construction thereof so far as they affect the railways property and works of the Great Western Company in accordance with the provisions of this section and according to plans sections and specifications which shall be previously submitted to and reasonably approved in writing by the principal engineer of the Great Western Company (herein-after referred to as "the principal engineer") and the Council shall not commence the construction of the said portion of Work No. 9 or enter upon or interfere with any lands works or property belonging to or used by the Great Western Company until such plans sections and specifications

A.D. 1910.

have been so submitted and approved Provided always that if the principal engineer shall for the period of fourteen days neglect or refuse to approve such plans sections or specifications or shall disapprove of the same and in case of the principal engineer and the engineer of the Council failing to agree or of any difference arising between them then the said portion of Work No. 9 and the said works shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed on or in default of agreement to be appointed as hereafter in this section provided:

- (3) The said portion of Work No. 9 and all works necessary or incident to the construction thereof or affecting the property or works of the Great Western Company shall be executed by and in all things at the expense of the Council and under the superintendence and to the reasonable satisfaction of the principal engineer:
- (4) The Council shall not (except with the previous consent of the Great Western Company under their common seal) purchase or acquire any lands or property of the Great Western Company but the Council may purchase and take and the Great Western Company shall sell and grant accordingly an easement or right of using such of the lands of the latter company as may be necessary for the construction of the said portion of Work No. 9 in accordance with the provisions of this section:
- (5) The Council shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by the Great Western Company during the construction of the works by this Act authorised upon over or under the railways bridges level crossings approaches viaducts stations works lands or property of the Great Western Company of a sufficient number of inspectors watchmen and signalmen to be appointed by the Great Western Company for watching their railways and works and the conduct of the traffic thereon with reference to and during the execution



of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employ of the Council or of their contractors with reference thereto or otherwise:

- (6) The Council shall at all times maintain the said portion of Work No. 9 and all the works connected therewith and incident thereto in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer and if and whenever the Council fail so to do the Great Western Company may make and do in and upon as well the lands of the Council as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the sum from time to time certified by the principal engineer to be the reasonable amount of such expenditure shall be repaid to the Great Western Company by the Council:
- (7) 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 provisions contained in this Act upon across under or adjoining or in any way affecting the railways lands and property now or hereafter 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 of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer 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:
- (8) All such works shall be done by and at the expense of the Council except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the principal engineer the roads over or under any bridge or over any level crossing of the railway of the Great Western Company or over the approaches to any such bridge

A.D. 1910.

or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Council 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 Council in accordance with plans to be previously submitted for the reasonable approval of the principal engineer:

- (9) Any additional expense which the Great Western Company may reasonably and properly incur in widening altering or maintaining their railways bridges or works by reason of the existence of any mains or pipes of the Council across or under the same shall be paid by the Council:
- (10) If the Great Western Company at any time or times hereafter of which they shall be the sole judges require to construct any additional or other works upon their lands or railways or to alter extend or repair their railways or works upon across over or under which any of the mains pipes or works of the Council may have been constructed or laid the Great Western Company may on giving to the Council fourteen days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge on giving such notice as the circumstances will admit divert support or carry the said works of the Council across over or under their lands railways 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 of such diversion supporting carrying or dealing with such works:
- (11) Notwithstanding anything in this Act contained the Council shall be responsible for and make good to the Great Western Company all reasonable costs damages and expenses which may be occasioned to that company or to any of their railways works or property or to the traffic thereon or otherwise during

the execution or by reason of the failure of any of the works by this Act authorised or the leakage of any of the said mains pipes or works or the act or omission of any of the persons in their employ or of their contractors or otherwise and the Council shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution leakage or failure and of such act or omission: A.D. 1910.

(12) If in the opinion of the Great Western Company or in case of difference between them and the Council of an arbitrator to be appointed as herein-after provided it shall be necessary for the Great Western Company to purchase or pay compensation for any minerals required to be left unworked for the protection and safety of any works constructed under the provisions of this Act or for any additional minerals beyond those which but for this Act would have been required to be left so unworked then the Council shall on demand pay to the Great Western Company all costs and expenses incurred by them in relation to any such purchase or payment of compensation or a fair proportion thereof in case the same minerals shall be required to be left unworked as well for the protection and safety of the railways works or property of the Great Western Company as of the said works to be constructed under the provisions of this Act and the amount of such costs and expenses or proportion or as the case may be the amount of the additional costs and expenses shall in case of difference be determined by arbitration as herein-after provided:

(13) Any dispute or difference which may arise between the Great Western Company and the Council 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 agreed upon by the parties in difference or failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers on the application

A.D. 1910,

of the Great Western Company and the Council or either of them and the provisions of the Arbitration Act 1889 shall apply to every such reference.

For protec-  
tion of Taff  
Vale Rail-  
way Com-  
pany.

**34.** For the protection of the Taff Vale Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed upon between the railway company and the Council have effect (that is to say):—

- (1) Where the aqueduct (Work No. 9) crosses the Dare Valley Branch of the Taff Vale Railway at Gadlys Road Aberdare the Council shall (subject to the proviso herein contained) carry the said aqueduct thereover by means of a bridge having a clear span measured between the supports thereof square with the centre line of railway of not less than forty-five feet six inches and a clear headway throughout above the rails of the said railway of fourteen feet six inches. Provided that if the said aqueduct shall be laid in the roadway of the bridge carrying the road over the Dare Valley Branch of the railway company at Gadlys Road aforesaid and the railway company shall be put to any additional cost or expense in repairing and maintaining reconstructing altering or widening such bridge owing to the said aqueduct being laid therein such extra cost and expense shall on the certificate of the engineer of the railway company be repaid to the railway company by the Council:
- (2) If the railway company from time to time owing to subsidence of the ground due to colliery workings or otherwise find it necessary to lift their railway and works then in order to maintain the headroom set forth in subsection (1) the Council shall at their own expense upon receiving three months' notice in writing to that effect from the railway company so alter their works as to maintain the headroom above referred to in default of which they shall be liable to a penalty of fifty pounds per diem until such alterations shall have been completed:
- (3) The Council shall not enter upon or interfere with the railway of the railway company or any of the lands or works of the railway company or execute any works whatever affecting the same until the Council

A.D. 1910.

shall have delivered to the railway company plans and drawings of such intended works for the approval of the engineer of the railway company and the Council shall not commence the construction of such works or enter upon or interfere with the railway of the railway company or any of the lands or works of the railway company until such plans and drawings have been so approved. Provided always that if the engineer of the railway company shall for a period of thirty days neglect or refuse to approve such plans or drawings or shall disapprove of same and in case the engineer of the railway company and the engineer of the Council failing to agree or of any difference arising between them then the said works shall be constructed according to plans and drawings to be submitted to and approved by an engineer to be agreed upon or in default of agreement to be appointed as hereafter in this section provided:

- (4) In constructing their works upon the railway of the railway company the Council shall not deviate from the lines and levels shown upon the deposited plans and sections without the previous consent in writing of the railway company under their common seal:
- (5) All works to be executed by the Council so far as they in any way affect any railway land buildings erections telegraph telephone or signal wires or posts or other works apparatus or property of the railway company may be executed by the railway company at the cost of the Council and in accordance with plans and specifications approved by the engineer of the railway company before the commencement of the works:
- (6) In every case where the Council's works will cross any telephone telegraph or signal wires and post fence or other work or apparatus belonging to or maintained by the railway company the Council shall unless the railway company themselves prefer to execute the portion of such work affecting their property or works bear all costs reasonably incurred by the railway company in strengthening and securing any such telephone telegraph or signal wire and post or other work or apparatus from all damage occasioned

A.D. 1910.

or likely to be occasioned by reason of the execution of any such works by the Council and shall for ever uphold and maintain such strengthening works in good and sufficient repair to the satisfaction of the railway company:

(7) If it shall be necessary in constructing the said works or in consequence thereof to alter any of the telegraph or telephone posts and wires or signal posts and wires on their railway the railway company shall effect such alterations and the Council shall on demand repay to the railway company the reasonable expenses of such alterations:

(8) The Council shall bear and on demand pay to the railway company the reasonable expenses of the employment by them during the construction of the works over and adjoining the railway of the railway company of a sufficient number of inspectors signalmen and watchmen to be appointed by them for watching and protecting their railway and works and for conducting their traffic thereon with reference to and during the execution of such portion of the works and for preventing any interference obstruction danger or accident from any of the operations or from the acts or defaults of the Council or of any person or persons in the employ of the Council with reference thereto or otherwise:

(9) The Council shall at all times maintain the works in this section referred to where they will be upon lands of or affect the undertaking of the railway company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the railway company:

(10) If the railway company or any company or person using their railway sustain any damage by reason of the exercise of any of the powers of this Act in relation to any matter as to which they are not themselves in default and in respect of which compensation is not herein-before provided full compensation shall be made to such companies or persons by the Council and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration:

- (11) In constructing their works the Council shall not obstruct or interfere with the traffic passing along the railway of the railway company and if by reason of any works or proceedings of the Council there shall be any obstruction of or interference with the railway of the railway company so as to impede or prevent the convenient passage of engines carriages and wagons along the same the Council shall pay and make good to the railway company all reasonable expenses loss or damage which the railway company may sustain by reason thereof: A.D. 1910.
- (12) With respect to the lands of the railway company which the Council are by this Act authorised to use enter upon or interfere with for the purpose of constructing the said works the Council shall not except by agreement purchase and take the same but they may purchase and take and the railway company may and shall sell and grant accordingly an easement or right of using so much of the same as may be necessary for the purpose of constructing and maintaining such works:
- (13) The Council shall pay to the railway company by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement:
- (14) In the event of any difference arising between the Council and the railway company respecting any of the matters referred to in this section the point in difference shall unless otherwise agreed or otherwise provided by this section be referred to an arbitrator to be appointed at the request of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to every such reference.

**35.** For the protection and benefit of the Neath Rural District Council (in this section referred to as "the district council") the following provisions shall except in so far as may

For protection of Neath Rural District Council.

A.D. 1910. hereafter from time to time be otherwise agreed in writing between the Council and the district council apply and have effect (that is to say) :—

- (1) When the Council are in a position to supply water within the district by means of the reservoir authorised by this Act and so long thereafter as such works shall be used by the Council for such supply and after not less than six calendar months' notice in writing under the hand of the clerk of the district council of the desire of such district council to take a supply of water in accordance with the provisions of this section the Council shall supply water in bulk to such district council upon the terms and subject to the conditions herein-after in this section stated :
- (2)—(A) Subject as aforesaid the district council shall be entitled to a continuous supply of water for the use of the inhabitants of the parish of Rhigos in the rural district of Neath in such quantities as may be required not being less than twenty thousand gallons per day and not exceeding fifty thousand gallons per day ;  
(B) The price of the water so supplied shall be sixpence per thousand gallons :
- (3) The water so to be supplied as aforesaid shall be supplied from the main of the Council through a junction to be fixed in such main on land to be provided by the district council and at such level as will give sufficient pressure to cause the meter at all times to register accurately and at a point to be agreed on in writing between the Council and the district council or failing agreement to be determined by arbitration as by this section herein-after provided and the quantity of water passing through such junction as aforesaid to the district of the district council shall be measured and ascertained by means of a meter to be fixed at such junction as near the main of the Council as reasonably practicable Such junction meter and all necessary fittings and appliances in connexion therewith shall be and shall always remain the property of the Council and shall be provided fixed watched and maintained by the Council during the time that the district



council continue to be supplied with such water by means of such junction meter fittings and appliances at the reasonable expense of the district council and if any difference shall arise between the district council and the Council as to the reasonableness or as to the amount of such expense such difference shall be determined by arbitration as by this section hereafter provided Provided that no such meter shall (except in case of emergency) be removed altered or interfered with by the Council except after at least twenty-four hours' notice in writing to the clerk or surveyor of the district council: A.D. 1910.

(4) With regard to the particular meter which shall be used for measuring and ascertaining the quantity of water supplied to the district council the following provisions shall have effect:—

(A) Such meter shall be open at all reasonable times to the inspection and examination of the district council and of such persons as may be authorised in writing by them to inspect and examine such meter and to test the accuracy thereof and if on such examination such meter is found to be in any respect out of repair inaccurate or insufficient the expense of testing re-fixing and repairing and in the event of its being found reasonably necessary to replace any such meter by a new meter the reasonable cost of such new meter and the reasonable expense of the testing thereof shall be paid to the Council by the district council;

(B) The readings of the meter shall be taken quarterly on or as near the four usual quarter days in each year as reasonably possible and a certified copy of such readings under the hand of the surveyor for the time being of the Council shall be sent to the district council as soon after the taking thereof as reasonably possible;

(C) Such readings as aforesaid shall be taken as *prima facie* evidence of the quantity of water supplied to the district council (unless it shall be shown or admitted that any meter is out of repair inaccurate or insufficient in which case payment

A.D. 1910.

shall be made as in the next following subsection provided) and the district council shall pay to the Council as provided in subsection (2) of this section for all water shown by such readings to have been supplied to them within one month after the delivery of the quarterly account for water supplied;

(D) In the event of its being shown or admitted that such reading is not correct by reason of any meter being out of repair inaccurate or insufficient then the Council may by agreement with the district council adopt and charge for the quantity recorded by the same meter or the corresponding meter in use in the corresponding quarter of the previous year or for such a quantity of water as failing agreement shall be determined by arbitration as by this section herein-after provided to be the fair and reasonable quantity of water to be charged for and paid by the district council:

(5) If through leakage waste or from any other cause of whatsoever nature the quantity of water delivered to the district council shall at any time exceed in quantity the maximum daily quantity herein-before mentioned the Council shall at their discretion be entitled after giving twenty-four hours' notice in writing to the district council or their clerk of their intention so to do to regulate and limit by an intermittent supply or otherwise the daily quantity of such water supplied so that it shall not exceed the said maximum quantity and in the event of the Council incurring any extra or special expense in and for the purpose of such regulation and limitation as aforesaid the reasonable amount thereof shall be paid to the Council by the district council:

(6) The Council shall not be held responsible for any failure or insufficiency of the water supply to the district council by reason of drought frost failure of machinery or any other accident or unavoidable cause whatsoever Provided that in the event of any such failure or insufficiency the Council shall take all reasonable steps with a view to the resumption of the ordinary supply at as early a date as possible having regard to all the

circumstances And provided further that unless the supply of water by means of the works authorised by this Act shall entirely fail and cease the Council shall supply to the district council such a proportion of the whole quantity which they shall for the time being be taking by means of the works authorised by this Act as the average quantity supplied to the district council during the corresponding period of the last preceding year shall have borne to the total quantity taken by the Council from the said works during that period and if any question shall arise between the Council and the district council with regard to what such total quantity was or as to whether any special circumstances existed during the said period such as to make it fair and reasonable that the above arrangement should be modified at the instance of the Council or of the district council then the matter shall be referred to and be determined by arbitration as in this section herein-after provided: A.D. 1910.

- (7) In the event of the works authorised by this Act not yielding a sufficient quantity of water for giving a full supply to the district of the Council and the district of the district council as contemplated by this section the quantities to be given to the district council shall abate proportionally on the same basis as stated in subsection (6):
- (8) For the purpose of enabling the district council to carry out the provisions of this section the purpose thereof shall be deemed to be the purpose of the Acts in pursuance of which the district council are entitled to construct waterworks and to supply water:
- (9) If any difference shall arise between the district council and the Council in regard to the construction of any of the foregoing provisions of this section or with regard to any act or thing to be done or any payment to be made in pursuance thereof or in regard to the rights and liabilities of the district council or the Council or otherwise such difference shall be referred to the decision of an arbitrator to be agreed upon between the parties or in default of agreement by an arbitrator appointed by the President of the

A.D. 1910.

Institution of Civil Engineers and subject to the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force.

For protection of Breconshire County Council.

**36.** The Council shall make full compensation for all expenses reasonably incurred in relation to the reinstatement of any roads bridges or other works from time to time by reason or in consequence of the leaking bursting or giving way of the reservoir or any aqueducts conduits or lines of pipes by this Act authorised.

Byelaws for preventing pollution of water.

**37.—(1)** The Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their existing waterworks or any of the waterworks by this Act authorised and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the byelaws.

(3) The provisions with respect to byelaws to be made by an urban authority contained in sections 182 to 186 of the Public Health Act 1875 shall apply to byelaws made by the Council under this section.

(4) All byelaws made under this section shall be subject to the approval of the Council of every district comprising any part of the area within which it is proposed that they shall be in force Provided that such consent shall not be necessary where in the opinion of the Local Government Board it has been unreasonably withheld.

(5) The Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

**38.** If in the opinion of the Council it shall be expedient with the view of preserving the purity of the water to prohibit the washing of sheep in any of the waters within any drainage area from which water is by this Act authorised to be collected and appropriated the Council shall have power to prohibit such washing of sheep. Provided that before the Council carry this provision into effect in respect of any place where it has been the practice to wash sheep the Council shall provide and maintain in the nearest convenient and available situation on their own lands another suitable washing place:

A.D. 1910.  
Prohibition  
of sheep  
washing.

Provided also that any person aggrieved by any prohibition issued by the Council under this section may within three months after the issue thereof appeal to a court of summary jurisdiction held for any district in which such prohibition is to take effect provided that he gives not less than fourteen days' notice of such appeal and of the grounds thereof to the clerk and the court shall have power to cancel such prohibition or to allow the same unconditionally or subject to such conditions as to the area within which the same shall take effect or as to the provision and maintenance of another suitable washing place or otherwise as they may think fit and the court shall also have power to award costs such costs to be recoverable summarily as a civil debt.

**39.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads (whether within or without the water limits) of the conduits authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may and which they are hereby authorised to erect or lay down for the purposes of the water undertaking.

Application  
of Water-  
works  
Clauses Act  
1847 to con-  
duits dis-  
charge pipes  
and tele-  
phones.

**40.** Any telephone or telegraph posts wires conductors or apparatus erected laid down made or maintained under the authority of this Act shall not be used for transmitting telegrams which are within the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869.

Saving  
rights of  
Postmaster-  
General.

**41.** For the purpose of constructing enlarging extending repairing cleansing or examining any aqueduct reservoir or other work authorised by this Act the Council may cause the water

Temporary  
discharge of  
water into  
streams.

A.D. 1910. in such aqueduct reservoir or other work to be temporarily discharged into any available stream or watercourse.

In the exercise of the power conferred by this section the Council shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of such compensation to be settled in the case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

Purchase of  
water in  
bulk.

**42.** The Council may enter into and carry into effect agreements with any local authority company or person for the purchase of water in bulk by the Council for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Council for distribution within the water limits and otherwise for the purposes of the water undertaking.

Contracts for  
supplying  
water in  
bulk.

**43.** The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the water limits to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits.

Power to  
sell meters  
and let  
fittings.

**44.** The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Council to let for hire any water fittings to any person supplied by them with water.

Alteration of  
maximum  
charges for  
domestic  
supply.

**45.** Section 27 (Rates for domestic supply) of the Act of 1900 is hereby amended by substituting—

“Threepence” in place of “twopence halfpenny”;

“Threepence halfpenny” in place of “threepence”;

“Fourpence” in place of “threepence halfpenny”;

“Ten pounds per centum” in place of “eight pounds per centum”; and A.D. 1910.

“Eight pounds ten shillings per centum” in place of  
“seven per centum.”

**46.**—(1) The Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say):— Power to borrow.

(A) For the purchase of lands and easements for and for the construction of the waterworks by this Act authorised the sum of seventy-five thousand pounds;

(B) For the purchase of land for protection of waterworks from pollution as delineated on the deposited plans and described in the deposited book of reference the sum necessary for that purpose;

(C) For covering the Darranlas Reservoir the sum of five thousand pounds;

(D) For the future extension and improvement of the waterworks of the Council the sum of twenty thousand pounds;

(E) For paying the taxed costs charges and expenses of this Act as herein-after provided and the costs charges and expenses of the engineers employed by the Council preliminary to and of and incidental to the application for and obtaining this Act the sum requisite for that purpose;

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or otherwise in relation to the water undertaking.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of the water undertaking and the district fund and the general district rate.

**47.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the Inquiries by Local Government Board.

A.D. 1910. 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 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 expenses 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.

Mode of raising money.

48. The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that for the purpose of raising money by virtue of the provisions of the Local Loans Act 1875 the prescribed period shall be the prescribed periods fixed by this Act for the repayment of moneys borrowed or to be borrowed thereunder and in respect of moneys raised under the Local Loans Act 1875 the provisions contained in the sections of this Act whereof the marginal notes respectively are "Sinking fund" and "Return respecting sinking fund to Local Government Board" shall apply in lieu of those contained in sections 15 and 16 of the Local Loans Act 1875.

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

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

Provisions as to mortgages.

50. The following sections of the Public Health Act 1875 (that is to say):—

Section 236 Form of mortgage;

Section 237 Register of mortgages;

Section 238 Transfer of mortgages;

Section 239 Receiver may be appointed in certain cases;

shall subject to the provisions of section 82 of the Act of 1909 (Power to use one form of mortgage for all purposes) apply to



and in relation to all mortgages made under the powers of this Act as if they were with necessary modifications re-enacted in this Act. A.D. 1910.

**51.** The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say):— Periods for payment off of money borrowed.

As to moneys borrowed for the purposes (A) and (B) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within forty-five years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purposes (C) and (D) in the said section mentioned within thirty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (E) in the said section mentioned within five years from the passing of this Act; and

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

**52.** The 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 twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made. Mode of payment off of money borrowed.

**53.**—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either— Sinking fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at

A.D. 1910.

a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct. A.D. 1910.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

A.D. 1910.

Power to re-  
borrow.

54.—(1) The Council shall have power—

- (a) to borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or
- (b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

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

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

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

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Return  
respecting  
sinking fund  
to Local  
Government  
Board.

55.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified

by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1910.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

**56.** The Council shall not be bound to 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 in whose name any loan or security for loan stands in the register or books of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the

Council not  
to regard  
trusts.

A.D. 1910. Council have had express or implied notice of any such 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 register or books and the 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 of any such money.

Protection of lender from inquiry.

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

Saving for existing charges.

**58.** Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the 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 like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed.

Application of borrowed moneys.

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

Expenses of execution of Act.

**60.** All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the revenue of the water undertaking or the district fund and general district rate.

Repeal of sections 52 73 and part of 79 of Act of 1886.

**61.** The following provisions of the Act of 1886 are hereby repealed (namely):—

Section 52 (Application of certain provisions of Gasworks Clauses Act 1871 to waterworks):

Section 73 (Recovery of money by distress):

So much of section 79 (Supply of gas and water in bulk &c.) as relates to the supply of water in bulk.

Authentication and service of notices &c.

**62.**—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the

Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. A.D. 1910.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

**63.** Where the payment of more than one sum by any person is due under this Act or any of the Acts or Orders relating to the Council any summons or warrant issued for the purposes of such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Contents of summons or warrant.

**64.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being a member of the Council or liable to any rate. Judges not disqualified.

**65.** The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act. Costs of Act.

A.D. 1910.

The SCHEDULE in the foregoing Act referred to.

Area.	Numbers on deposited Plans.	Description of Property.
WORK NO. 9.		
Parish of Penderyn in the rural district of Vaynor and Penderyn.	132	Cottage and outbuildings.
	134	Forecourt and private drain.
Parish and urban district of Aberdare.	2	Recess off public highway and stone wall.
	10	Approach road.
	13	Approach road.
	14	Approach road.
	20	Farmyard and pigstye.
	65	Road embankment and shrubbery.
	77	Cottage and garden.
Parish of Llanwonno and urban district of Mountain Ash.	88	Farmyard and stream.
	2	Garden.

Printed by EYRE and SPOTTISWOODE, Ltd,

FOR

ROWLAND BAILEY, Esq., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
 WYMAN AND SONS, LTD., FETTER LANE, E.C.; or  
 OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or  
 E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN