

[26 GEO. 5. &
1 EDW. 8.]

*Fishguard and Goodwick
Urban District Council
Act, 1936.*

[Ch. lviii.]



CHAPTER lviii.

An Act to transfer to the urban district council of Fishguard and Goodwick the undertaking of the North Pembrokeshire Water and Gas Company to authorise the Council to construct new waterworks and supply water and gas and for other purposes. A.D. 1936.
—
[14th July 1936.]

WHEREAS the urban district of Fishguard and Goodwick (in this Act referred to as "the district") is an urban district under the government of the urban district council of Fishguard and Goodwick (in this Act referred to as "the Council"):

And whereas by the Fishguard Water and Gas Act 1899 the Fishguard Water and Gas Company were incorporated and were authorised to construct certain waterworks and gasworks and to supply water and gas in the parishes of Fishguard Manorowen and Llanwnda: 62 & 63 Vict.
c. lxxix.

And whereas by the North Pembrokeshire Water and Gas Act 1900 the name of the said company was changed to the North Pembrokeshire Water and Gas Company and their limits for the supply of water and gas were extended so as to include the parishes of Newport and Dinas: 63 & 64 Vict.
c. xl.

And whereas further powers were conferred upon the North Pembrokeshire Water and Gas Company (in this Act referred to as "the company") by the North Pembrokeshire Water and Gas Order 1911 which was

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scheduled to and confirmed by the Gas and Water Orders Confirmation Act 1911 the North Pembrokeshire Water and Gas Company (Modification of Charges) Order 1923 and the North Pembrokeshire Gas (Charges) Order 1923 :

And whereas it is expedient that the supply of water and gas in the district and in the neighbourhood thereof should be under the control of the Council and that the undertaking of the company should be transferred to and vested in the Council :

And whereas it is expedient that provision should be made with reference to the supply of water and gas by the Council as in this Act hereinafter appearing and that the Council should be authorised to construct additional waterworks :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

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

And whereas estimates have been prepared by the Council of the expense of the works hereinafter mentioned and such estimates are as follows :—

	£
For the construction of waterworks	13,880
For new water mains extension of mains and other waterworks pur- poses	5,000
For the construction of gas works	1,500
For new gas mains extension of gas mains and other gas works pur- poses	8,500

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

And whereas plans showing the lands required or which may be taken or used compulsorily for the purposes or under the powers of this Act such plans showing the lines or situations of the works authorised by this Act and sections showing the levels of such works with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees

and of the occupiers of the said lands were duly deposited with the clerk of the county council of the administrative county of Pembroke and are in this Act respectively referred to as the deposited plans sections and book of reference : A.D. 1936.

And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed : 23 & 24
Geo. 5. c. 51.

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

PART I.
 PRELIMINARY.

1. This Act may be cited as the Fishguard and Goodwick Urban District Council Act 1936. Short title.]

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

- Part I.—Preliminary.
- Part II.—Transfer of undertaking of company.
- Part III.—Lands.
- Part IV.—Waterworks.
- Part V.—Supply of water.
- Part VI.—Supply of gas.
- Part VII.—Provisions common to the supply of water and gas.
- Part VIII.—Financial.
- Part IX.—Miscellaneous.

3. 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 (that is to say) :— Incorporation of Acts.

(1) The Lands Clauses Acts with the following exception and modification (namely) :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 is not incorporated with this Act; 8 & 9 Vict.
c. 18.

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(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section :

10 & 11 Vict.
c. 17.
38 & 39 Vict.
c. 55.

(2) The provisions of the Waterworks Clauses Act 1847 incorporated with the Public Health Act 1875 by section 57 of the last named Act but subject to the proviso in the said section contained :

26 & 27 Vict.
c. 93.

(3) The Waterworks Clauses Act 1863 :

10 & 11 Vict.
c. 15.

(4) The Gasworks Clauses Act 1847 :

34 & 35 Vict.
c. 41.

(5) The Gasworks Clauses Act 1871.

Interpreta-
tion.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts or (in relation to the gas undertaking) by the Gas Undertakings Acts 1920 to 1934 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

“ The Council ” means the urban district council of Fishguard and Goodwick ;

“ The district ” means the urban district of Fishguard and Goodwick ;

“ The company ” means the North Pembrokehire Water and Gas Company ;

“ The undertaking of the company ” includes—

(a) All the lands buildings waterworks gasworks machinery mains pipes plant and apparatus deeds agreements contracts plans specifications engineers' opinions and reports books vouchers letters and other documents and other property of the company on the day of transfer ;

(b) All rights powers and privileges vested in or had or enjoyed by the company at the day of transfer ;

(c) All other the real and personal property assets and effects of the company of whatever nature on the day of transfer; A.D. 1936.
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but does not include cash of the company in hand or at the bank nor coal stores and fittings nor the directors' minute books and other books and papers relating exclusively to the proprietors in and the constitution of the company which may be necessary to be retained for the purposes of winding up the company;

“ The day of transfer ” means the day on which the undertaking of the company shall be transferred to the Council under the provisions of the section of this Act of which the marginal note is “ Transfer of undertaking of company ”;

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

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

“ The water undertaking ” means and includes the waterworks of the Council and the works connected therewith vested in and transferred to them by or under this Act and all waterworks which may hereafter be constructed or acquired under any of the powers of this Act or any other Act or Order;

“ The gas undertaking ” means and includes the gasworks of the Council and the works connected therewith vested in and transferred to them by or under this Act and all gasworks which may hereafter be constructed or acquired under any of the powers of this Act or any other Act or Order;

“ The clerk ” and “ the treasurer ” mean respectively the clerk and the treasurer of the Council;

“ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919; 9 & 10 Geo. 5. c. 57.

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“ The tribunal ” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;

41 & 42 Vict.
c. 76.

“ Telegraphic line ” has the same meaning as in the Telegraph Act 1878;

“ The Minister ” means the Minister of Health;

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

38 & 39 Vict.
c. 83.

“ 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;

“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of

Parliament passed or to be passed but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933. A.D. 1936.

PART II.

TRANSFER OF UNDERTAKING OF COMPANY.

5.—(1) The company shall sell to the Council and the Council shall purchase the undertaking of the company discharged from all mortgages debentures debts and liabilities of the company for such price or consideration being a sum in gross and on such terms and conditions as may be agreed upon between the company and the Council or as failing such agreement shall be determined in manner provided by the Lands Clauses Acts other than the Acquisition of Land (Assessment of Compensation) Act 1919 and in the construction of such provisions “the Special Act” shall mean this Act “the promoters of the undertaking” shall mean the Council and “lands” shall mean the undertaking of the company :
Company to sell their undertaking to Council.

Provided that no allowance shall be made on account of the acquisition being compulsory :

Provided further that the said matters shall be determined by a single arbitrator to be agreed between the parties or failing such agreement to be appointed on the application of either party by the President of the Law Society.

(2) The Council shall give notice to the company to treat for the purchase of the undertaking of the company not later than three months after the date of the passing of this Act.

6.—(1) On payment by the Council of the amount of purchase money to the company or on payment of the amount into the Bank of England under the provisions of this Act the undertaking of the company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council subject to the provisions of this Act.
Transfer of undertaking of company.

(2) The production of a King's Printer's or Royal Assent copy of this Act duly stamped together with a

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A.D. 1936. — receipt for the price or consideration purporting to be signed by two directors of the company or by the cashier of the Bank of England shall (unless it be proved that the price or consideration has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the undertaking of the company.

Receipt for purchase money.

7. The receipt in writing of two directors of the company for any moneys paid to the company shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss mis-application or non-application thereof and if from any cause the Council are unable to obtain any such receipt they may pay the money due to the company into or with the Bank of England in the name of the Accountant-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of two directors of the company.

Council to purchase stock in trade.

8. The Council shall purchase and the company shall sell all coal stores and fittings on the day of transfer belonging to the company at such price as failing agreement may be settled by a valuer to be agreed or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Debts and apportionment of receipts.

9.—(1) All debentures mortgages debts and liabilities of the company in respect of the undertaking of the company existing on the day of transfer shall be paid discharged and satisfied by the company and the company shall indemnify the Council against the same.

(2) The company shall bear and pay all outgoings of every description and shall be entitled to all water rates and rents gas charges and other debts due to them and to all receipts from the undertaking of the company up to the day of transfer.

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(3) Any water rates rents or other receipts paid or payable in advance and attributable to any period after the day of transfer shall be apportioned and so much thereof as is attributable to any period after the day of transfer shall be paid by the company to the Council. A.D. 1936.
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10. The company shall not be entitled to declare and pay any dividends on their ordinary share capital prior to the day of transfer. Restriction on dividends payable by company.

11. Until the day of transfer the company shall maintain and carry on the undertaking of the company as heretofore in the ordinary course of business maintaining normal quantities of consumable stores but the company shall not without the previous consent of the Council under the hand of the clerk make or enter into any new contract agreement liability or other obligation in respect thereof which shall extend beyond the day of transfer nor increase the salary or wages of any of their officers or servants nor vary any of the rates rents or charges which were being demanded and taken by the company on the first day of November one thousand nine hundred and thirty-five. Exercise of powers until transfer.

12. If on the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding shall be pending or existing against or in favour of the company in relation to any property debt liability or obligation transferred to the Council the same shall not abate or be discontinued or in anywise prejudicially affected by reason of such transfer but the same (save so far as it relates to any contract agreement liability or other obligation made or entered into in contravention of the provisions of the section of this Act of which the marginal note is "Exercise of powers until transfer") may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted and enforced by against or in favour of the company if this Act had not been passed. Actions not to abate.

13. All agreements conveyances contracts deeds and other instruments entered into or made with or by the company and in force on the day of transfer shall be as binding and of as full force and effect in every respect as if they had been entered into or made with or by the Council. Contracts with company to be binding on Council.

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— against or in favour of the Council and may be enforced as fully and effectually as if instead of the company the Council had been a party thereto. The Council shall indemnify the company against all claims and demands under such agreements conveyances contracts deeds and other instruments. Provided that no agreement conveyance contract deed or other instrument shall be binding on or of any force or effect against or in favour of the Council if entered into or made in contravention of the provisions of the section of this Act of which the marginal note is "Exercise of powers until transfer."

Rates and rents to continue in force.

14. All rates rents and charges in connection with the undertaking of the company which have been lawfully made charged or imposed and which on the day of transfer are due or if this Act had not been passed would have accrued due shall continue in force and be due and payable and may be collected recovered or enforced by the Council as and when the same might have been payable to and collected recovered or enforced by the company if this Act had not been passed.

Books and documents.

15. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same or the like matter for or against the Council.

Officers of company to be accountable for books &c.

16. All officers and persons who on the day of transfer have in their possession or under their control any books documents papers money or effects forming part of the undertaking of the company shall be liable to account for and deliver up the same to the Council or to such persons as the Council may appoint to receive the same and shall be subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by and become possessed of such books documents papers money and effects for the Council.

Inspection of books &c.

17. The Council before the day of transfer and thereafter the company their solicitors and agents shall be entitled to have access to and take copies of all documents to be handed over or handed over to the Council so far as the same may be necessary for the purpose of enabling the Council or the company to

execute any of the provisions of this Act and the Council shall also be entitled at any time and for the like purpose to have access to and to take copies of all documents to be retained by the company. A.D. 1936.
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18.—(1) Every officer and servant (other than the directors secretary and auditors of the company) in the regular employment of the company in connection with the undertaking of the company immediately before the day of transfer shall as from the day of transfer become an officer or servant of the Council and shall hold his office or situation by the same tenure and upon like terms and conditions under the Council as he would have held the same under the company if the transfer of the undertaking of the company had not taken place and while performing the same duties shall receive not less salary wages or pay than he would have been entitled to from the company if the transfer of the undertaking of the company had not taken place. Existing officers and servants.

(2) Every existing officer and existing servant shall perform such duties in connection with the water undertaking or the gas undertaking as they may be required to perform by the Council.

(3) If within a period of five years after the day of transfer the services of any such existing officer or servant are dispensed with by the Council because his services are not required and not on account of misconduct or inefficiency the scheme relating to the compensation to be paid to employees of authorities companies or bodies carrying on gas undertakings for loss of employment consequent upon the amalgamation of such undertakings which was adopted by the National Joint Industrial Council for the Gas Industry in the year one thousand nine hundred and thirty shall apply to such officer or servant and to the Council in respect thereof.

19. As from the day of transfer the *Fishguard Water and Gas Act 1899* the *North Pembroke Water and Gas Act 1900* the *North Pembroke Water and Gas Order 1911* (which was scheduled to and confirmed by the *Gas and Water Orders Confirmation Act 1911*) the *North Pembroke Water and Gas Company (Modification of Charges) Order 1923* and the *North* Partial repeal of Acts and Orders relating to company. 62 & 63 Vict. c. lxxix.

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A.D. 1936. Pembrokehire Gas (Charges) Order 1923 shall subject
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63 & 64 Vict. repealed except so far as may be necessary to give effect
c. xl. to the provisions of the section of this Act of which the
1 & 2 Geo. 5. marginal note is "Winding up of company" and except
c. clxx. the provisions which are set out in the Second Schedule
to this Act all which last mentioned provisions shall
continue and have effect as if they were re-enacted in
this Act with any necessary modifications and as if
references to the Council and the water undertaking
were substituted therein for references to the company
and the undertaking of the company and as if references
to the gas limits were substituted therein for references
to the limits of the said Acts.

Winding
up of
company.

20.—(1) From and after the day of transfer the
company shall subsist only for the purpose of winding up
their affairs and carrying into effect the purposes of this
Act so far as they relate to the company and the directors
of the company who are in office at the passing of this
Act and the survivor or survivors of those directors
shall continue without re-election to hold office and those
directors or the majority of them or if a liquidator of the
company be duly appointed the liquidator shall have
power and authority to take with respect to the company
all proceedings necessary for carrying into effect the
purposes of this section.

(2) If the number of directors of the company be
reduced by death resignation or otherwise below three
before the completion of the winding up of the company
or the appointment of a liquidator thereof the continuing
directors shall from time to time appoint a person or
persons who immediately prior to the day of transfer
was or were a shareholder or shareholders of the company
to fill the vacancy or vacancies so caused.

(3) As soon as may be after the day of transfer the
directors shall proceed to wind up the affairs of the
company and shall pay and distribute the net considera-
tion money in accordance with the provisions of this Act.

(4) The net consideration money shall be applied
as follows :—

First In satisfaction of the costs charges and
expenses in connection with any arbitration

proceedings the other expenses relating to the transfer of the undertaking of the company the expenses of the winding up of the company and any outgoings incidental thereto; A.D. 1936.
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Secondly In making provision for all debts and liabilities of the company;

Thirdly In repayment of the debentures of the company and any interest accrued thereon:

Any moneys then remaining shall be distributed amongst the shareholders of the company.

(5) The company shall on publication in a local newspaper circulating in the district of a notice signed by two or more directors and certifying that all the provisions of this Act relating to the company have been complied with be dissolved.

(6) In case the directors are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same they may pay such money into the High Court under any Act for the time being in force for the relief of trustees and every such payment or deposit shall effectually discharge the company and the directors from any further liability with respect to such money.

(7) If any money is payable to any holder of shares of the company being a minor idiot or person of unsound mind the receipt of the guardian or committee of his estate shall be sufficient discharge to the company and the directors.

PART III.

LANDS.

21. Subject to the provisions of this Act the Council may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act. Power to acquire lands.

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Period for
compulsory
purchase
of lands.

22. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the thirty-first day of October one thousand nine hundred and thirty-six.

Correction
of errors in
deposited
plans and
book of
reference.

23. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Pembroke for the correction thereof and if it appear to the justices hearing the application that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council of the administrative county of Pembroke and a duplicate thereof with the clerk of the rural district councils of Haverfordwest and Cemaes and with the clerk of the parish council (if any) of the parish in which the lands are situate and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Owners
may be
required to
sell parts
only of
certain
premises.

24.—(1) Whereas 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:—

(a) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and

whereof a portion only is required for the purposes of the Council or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties";

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- (b) 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;
- (c) 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 tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties 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;
- (d) If the tribunal determine that the portion of the scheduled properties 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

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damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;

- (e) If the tribunal determine that the portion of the scheduled properties 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 determination of any matters under this section shall be borne and paid by the owner;
- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it 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;
- (g) If the tribunal determine that the portion of the scheduled properties 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 its final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 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.

(3) The provisions of this section shall be stated in A.D. 1936.
or endorsed on every notice given thereunder to sell and —
convey any of the scheduled properties.

25.—(1) The Council may in lieu of acquiring any Council
lands for the purposes of the works authorised by this may acquire
Act where the same are intended to be constructed easements
underground acquire such easements or rights only in only in
such lands as they may require for such purposes certain
(including the making enlarging renewing maintaining cases.
repairing inspecting cleansing managing using working
and obtaining access to such works) and may give notice
to treat in respect of such easements or rights describing
the nature thereof and the rights which the Council
require for or incidental to the said purposes and the
restrictions subject to which the owners and occupiers
may use the lands and the provisions of the Lands
Clauses Acts and of this Act shall apply to and in
respect of the acquisition of such easements and rights
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 or rights 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 unless otherwise agreed the
owners or occupiers for the time being shall subject to
such easements or rights and any other restrictions
imposed upon the owners and occupiers have the same
rights to use and cultivate the said lands at all times as
if this Act had not been passed.

26. Persons empowered by the Lands Clauses Acts Persons
to sell and convey or release lands may if they think fit under
subject to the provisions of those Acts and of this Act disability
grant to the Council any easement right or privilege (not may grant
being an easement right or privilege of water in which easements
&c.
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.

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Power to
enter upon
property
for survey
and
valuation.

27. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands by this Act authorised to be taken and used or any of them for the purposes of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

Extinction
of private
rights of
way.

28.—(1) All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Council if the Council shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

(2) Provided that the Council shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Compensa-
tion in
case of
recently
acquired
interest.

29. For the purpose of determining any question of disputed compensation payable in respect of land taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the fifteenth day of November one thousand nine hundred and thirty-five if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Further
powers of
entry.

30. At any time after notice to treat has been served for any land which the Council are by this Act authorised to purchase compulsorily the Council may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession

of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

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31.—(1) The Council in addition to any other lands acquired or held by them in pursuance of this or any other Act may by agreement purchase take on lease acquire and hold for the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Council are empowered to take any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Council deem necessary for those purposes.

Power to purchase additional lands by agreement for protection of source of supply.

(2) Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands nor (without the approval of the Minister) erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Council.

(3) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted and the Council may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road 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.

32. The Council on selling any lands acquired by them in connection with the water undertaking and not required for the purposes of that undertaking may

Reserva-
tion of
water
rights &c.
on sale.

[Ch. lviii.] *Fishguard and Goodwick Urban District Council Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936. — 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 the 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.

Further powers for acquisition of land.

33.—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Council should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district.

(2) When any lands purchased or acquired or taken on lease by the Council under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof or of an amount which is equivalent to the fair market value of such lands (whichever be the greater) shall be effected to the proper account in the books of the Council and pending such appropriation all expenses incurred by the Council under this section shall be payable out of the general rate fund and general rate.

(3) Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incidental to or connected with the water undertaking or the gas undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Council.

Power to retain sell &c. lands.

34.—(1) Notwithstanding anything in section 127 of the Lands Clauses Consolidation Act 1845 to the contrary the Council may retain hold and use 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 or any

interest therein acquired by them under this Act or any other local Act for the time being in force in the district and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein 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. A.D. 1936.
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(2) The Council shall not (unless the Minister otherwise direct) sell lease exchange or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(3) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Council in any case in which such consent would have been required if this Act had not been passed.

(4) Nothing in this section contained shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

35.—(1) The Council may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Proceeds of sale of surplus lands.

A.D. 1936. Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Any capital moneys received by the Council on the resale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

Dwelling-houses for employees and other buildings.

36. The Council may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with any of their undertakings and the Council may also erect maintain and let any such buildings upon any land for the time being belonging or leased to the Council for those purposes.

PART IV.

WATERWORKS.

Power to maintain existing waterworks.

37. The Council may so soon as they are possessed of the same maintain repair renew alter enlarge and extend the waterworks transferred to the Council by this Act and may use and employ the same for the purpose of taking intercepting and impounding water and may take intercept and impound any water which if this Act had not been passed might have been taken intercepted or impounded by the company.

Power to make waterworks.

38.—(1) Subject to the provisions of this Act the Council may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following waterworks (namely):—

Work No. 1 An intake and weir to be constructed partly in the parish of Nevern in the rural district of Cemaes and partly in the parish of Morvil in the rural district of Haverfordwest

across the stream known as Afon Cwmau at a point 17 yards or thereabouts measured in a south-easterly direction from Pont-y-Gotty;

A.D. 1936.

Work No. 2 An intake and weir to be constructed in the said parish of Nevern across streams or watercourses in the inclosures numbered 3134 and 3129 on the 1/2500 Ordnance map of the parish of Nevern (Pembroke) sheet X.11 edition of 1907 at a point 220 yards or thereabouts measured in a north-easterly direction from Work No. 1;

Work No. 3 An aqueduct or line or lines of pipes wholly in the said parish of Nevern commencing in Work No. 2 and terminating in Work No. 1;

Work No. 4 An aqueduct or line or lines of pipes commencing in Work No. 1 passing through the said parishes of Morvil and Nevern and the parish of Llanychlwydog in the rural district of Cemaes and terminating in the last-named parish at a point in the inclosure numbered 372 on the 1/2500 Ordnance map of the parish of Llanychlwydog (Pembroke) sheet X.5 edition of 1907 forty yards from the eastern corner of that inclosure;

Work No. 5 A filter house and filtration plant in the said parish of Llanychlwydog at a point in the said inclosure numbered 372 forty-five yards or thereabouts in a westerly direction from the eastern corner of that inclosure;

Work No. 6 An aqueduct or line or lines of pipes commencing in the parish of Llanychaer in the rural district of Haverfordwest by a junction with an existing main of the company at a point 83 yards or thereabouts in a north-easterly direction from the centre of Pont Cil-rhedy and terminating in Work No. 5;

Work No. 7 An aqueduct or line or lines of pipes commencing in Work No. 5 passing through the said parish of Llanychlwydog and the parishes of Llanychaer and Fishguard South in the rural district of Haverfordwest and terminating in

A.D. 1936.
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the last named parish in the existing service reservoir of the company in the inclosure numbered 387 on the 1/2500 Ordnance map of the parish of Fishguard North (Pembroke) sheet IX.4 edition of 1907.

(2) In addition to the works hereinbefore described the Council may upon any lands for the time being belonging to them or in or over which they have or obtain easements make and maintain all such buildings tanks machinery roads approaches tramroads works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the said works or either of them or necessary for inspecting maintaining repairing cleansing managing working or using the same but nothing in this subsection shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

39. In the construction of the works authorised by this Part of this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent Provided that except for the purposes of crossing over a stream or railway no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of new works and enlargement of works.

40.—(1) If the works authorised by this Part of this Act are not completed within the period expiring on the first day of October one thousand nine hundred and forty-one then on the expiration of that period the powers by this Act granted for the making and completing of such works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

(2) The Council may extend enlarge alter reconstruct renew or remove any of the works authorised by this Part of this Act and (in the case of any line or lines of

pipes authorised by this Act) lay down additional lines of pipes as and when occasion may require. A.D. 1936.

41. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their waterworks all such springs streams and waters as will or may be intercepted by the intakes (Works Nos. 1 and 2) and works connected therewith authorised by this Act which spring streams and waters form the headwaters of the streams known as the Afon Cwmau and the Afon Gwaun. Power to take waters.

42. Subject to the provisions of this Act the works authorised by this Part of this Act shall for all purposes form part of and be comprised in the water undertaking. Works to form part of water undertaking.

43. The Council may on all or any of the lands from time to time held by them execute for the purposes of or in connection with the water undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 other than wells and works for the taking and intercepting of water: Exercise of powers of section 12 of Waterworks Clauses Act 1847.

Provided that the Council shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

44.—(1) The Council during the execution of the works authorised by this Part of this Act may break up and with the consent of the road authority also temporarily stop up and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any house in the street from passing along and using the same. Temporary stoppage of streets.

(2) The Council shall provide reasonable access for foot passengers bona fide going to or from any such house.

45.—(1) 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 street or road of any discharge pipes telephone or Application of Waterworks Clauses Act 1847 to discharge

[Ch. lviii.] *Fishguard and Goodwick* [26 GEO. 5. &
Urban District Council 1 EDW. 8.]
Act, 1936.

A.D. 1936. telegraph posts wires conductors or apparatus which the
— Council may and which accordingly they are hereby
pipes authorised to construct lay down or erect for the purposes
telephones of the water undertaking.
&c.

(2) Any electrical works or telephone or telegraph posts wires conductors or apparatus made laid down erected or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Discharge of water into streams. **46.**—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any of the waterworks of the Council the Council may cause the water in any such work to be discharged into any available stream ditch or watercourse Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food for fish.

(2) In the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

(3) The powers of this section shall not be exercised so as to damage or injuriously affect the railways or works of the Great Western Railway Company.

Power to agree as to drainage of lands &c. **47.** The Council may make and carry into effect agreements with the owners lessees and occupiers of any lands within the drainage area of Works Nos. 1 and 2 authorised by this Act or the drainage areas of any of the reservoirs and other waterworks of the Council 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 or any other Act authorised to be taken collected or appropriated by the Council flowing to upon or from such lands directly or derivatively into such reservoirs and works. A.D. 1936.
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48.—(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 waterworks and may by such byelaws prescribe the construction maintenance and user of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water. Byelaws for preventing pollution of water.

(2) The byelaws made under this section shall be in force within the district and within the rural districts of Haverfordwest and Cemaes or within such parts of those districts as may be defined in the byelaws.

(3) In addition to the requirements of section 250 of the Local Government Act 1933 the Council shall exhibit in some conspicuous place in the districts within which or any part of which the byelaws are intended to be in force copies of the notice referred to in that section and any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(4) A copy of any such byelaws shall be sent to the clerk of the county council of the administrative county of Pembroke and to the clerks of the rural district councils of Haverfordwest and Cemaes one month at least before application is made for their confirmation and before confirming the byelaws the Minister shall have regard to any representations thereon which may be made within the said month by the said councils.

(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 or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local or other authority of the district or area in which such lands are situate and

A.D. 1936. — such compensation shall be settled in default of agreement by arbitration.

(6) Notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for the recovery of any penalty imposed by any byelaw made under this section may be taken by the Council without the consent in writing of the Attorney-General.

PART V.

SUPPLY OF WATER.

Commence-
ment of
this Part
of Act.

49. This Part of this Act and the other provisions of this Act relating to the supply of water shall come into operation on the day of transfer.

Water
limits.

50. The limits of this Act for the supply of water by the Council shall be the district and the parishes of Llanwnda Manorowen and Fishguard South in the rural district of Haverfordwest.

Council to
have
powers of
urban
sanitary
authority
for supply
of water.

51.—(1) Within the water limits the Council subject to the provisions of this Act shall have and enjoy and may exercise all the powers rights and authorities of an urban sanitary authority under the Public Health Act 1875 and the Acts amending the same with respect to the supply of water and the acquisition of land.

(2) Provided that nothing in the said Acts contained shall authorise the Council to charge for the supply of water any rates other than the rates which they are by or under this Act authorised to charge.

(3) For the purposes of section 52 of the Public Health Act 1875 the Council shall be deemed to be a water company within the meaning of that Act.

(4) The provisions of this section shall be in addition to and not in derogation of any other powers conferred by this or any other Act.

Supply of
water by
Council to
areas outside
water limits.

52.—(1) The Minister if he is satisfied that the owners or occupiers of premises in any area outside the water limits desire to obtain a supply of water from the Council may on the application of the Council subject to the provisions of this section by order authorise the Council to supply water in any such area or any

part thereof or to any premises therein on such conditions as may be specified in the order. A.D. 1936.

(2) An order under this section may contain such provisions as in the opinion of the Minister are necessary in order to give full effect to the order and upon the granting of any such order the provisions of the enactments relating to the water undertaking shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply of water in pursuance of such order and otherwise as if the water limits extended as far as and so as to include the area or premises to which such order relates.

(3) An order shall not (unless in the opinion of the Minister consent is unreasonably withheld) be made except with the consent of the local authority within whose district and of any undertakers for the supply of water within whose limits of supply the area to which a supply is to be given is situate.

(4) (a) An order made under this section shall cease to have effect with respect to any area or any part thereof or any premises therein when the local authority within whose district or the undertakers for the supply of water within whose limits of supply such area or part thereof or such premises is or are situate are able and willing to supply water to such area or part thereof or premises as the case may be and give not less than one month's notice thereof to the Council.

(b) When such local authority or undertakers commence to supply water to any such area or part thereof or any premises therein in pursuance of this subsection they shall pay to the Council such portion of the expenditure incurred by the Council within such area or part thereof in the district of the local authority or within the limits of supply of the undertakers as the case may be in giving a supply to such area or part thereof or premises therein as may be agreed or failing agreement as may be determined by arbitration.

53. The water supplied by the Council need not at any time be delivered at a pressure greater than that afforded by gravitation from the service reservoir or tank from which the supply is given. Limits of pressure.

A.D. 1936.

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Rates for
supply of
water for
domestic
purposes.

54.—(1) The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Public Health Acts to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates hereinafter specified (that is to say) :—

Where the net annual value of the premises so supplied with water does not exceed four pounds per annum at a rate not exceeding two and one-half pence per week ;

Where such net annual value is above four pounds and does not exceed seven pounds per annum at a rate not exceeding fourpence per week ;

Where such net annual value is above seven pounds and does not exceed ten pounds per annum at a rate not exceeding fivepence per week ;

Where such net annual value is above ten pounds and does not exceed twenty pounds per annum at a rate per centum not exceeding thirteen pounds ;

Where such net annual value is above twenty pounds and does not exceed forty pounds per annum at a rate per centum not exceeding ten pounds ten shillings ;

Where such net annual value is above forty pounds and does not exceed eighty pounds at a rate per centum not exceeding nine pounds ;

Where such net annual value is above eighty pounds at a rate per centum per annum not exceeding seven pounds ten shillings.

Nothing in this subsection shall entitle the Council in any case to demand for the water rate for any dwelling-house or part of a dwelling-house included in any division of the foregoing scale a greater sum than they would be entitled to demand if the dwelling-house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher net annual value whereon a lower rate per centum is chargeable.

(2) The net annual value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrued. Provided that where the water rate is chargeable on the net annual value of a part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

A.D. 1936.

(3) In addition to the foregoing rates the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises supplied with water a sum not exceeding six shillings and sixpence per annum in respect of every fixed bath (capable of containing not more than fifty gallons) beyond the first on any premises supplied with water a sum not exceeding thirteen shillings per annum and in respect of every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit. The additional sums which may be charged under this subsection shall (subject to the provisions of the section of this Act of which the marginal note is "Water rate &c. may be collected with general rate") be paid quarterly in advance and shall be recoverable in all respects with and in the same manner as the water rate.

55. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same person they shall be deemed for the purposes of determining the amount of the water rate chargeable by the Council in respect of any supply of water for domestic purposes furnished by the Council to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a value equal to the aggregate of the values of the separate houses or buildings or parts of houses or buildings so occupied.

As to yearly value of two or more houses in one occupation.

56.—(1) Where (a) the net annual value of a house does not exceed thirteen pounds or (b) the house supplied with water is let to tenants by whom rent is payable at intervals not being longer than that prescribed by the

Rates payable by owners of small houses.

[Ch. Iviii.] *Fishguard and Goodwick Urban District Council Act, 1936.* [26 GEO. 5. & 1 EDW. 8.]

A.D. 1936.
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15 & 16
Geo. 5. c. 90.
19 & 20
Geo. 5. c. 17.

local authority under and for the purposes of subsection (1) of section 11 of the Rating and Valuation Act 1925 as amended by section 71 of the Local Government Act 1929 the owner instead of the occupier shall if the Council in either of or both such cases so determine pay the rate for the supply but the rate may be recovered by the Council from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under this section by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the commencement of this Act.

Supply of water to houses partly used for trade &c.

57.—(1) The Council shall not be bound to supply with water otherwise than by meter—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade business or manufacturing purpose for which water is required;
- (b) any hospital (whether public or private) or sanatorium;
- (c) any club hotel assembly hall restaurant public-house inn or common lodging-house;
- (d) any boarding house lodging-house or public institution capable of accommodating at least twelve persons including the persons usually resident therein; or
- (e) any school.

(2) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the Council to refuse a supply of water for domestic

purposes to a farmhouse at the rates authorised by or in pursuance of this Act. A.D. 1936.

(3) The minimum quarterly charge (exclusive of meter rent) for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a supply of water for domestic purposes to a dwelling-house of the same net annual value.

58.—(1) Where a person who takes a supply of water for domestic purposes otherwise than by measure is the occupier of stables garages or other premises where horses or motor-cars or other carriages are kept and the water supplied to that person for domestic purposes is used for horses or washing carriages or other purposes in or in connection with such premises the Council may—

Charges for
horses and
washing
vehicles.

(a) if the water so used can be taken from a standpipe or tap (not being a standpipe or tap within any dwelling-house occupied with such premises) but no hosepipe or other similar apparatus be used in connection with such standpipe or tap charge in respect of the water so used such sum not exceeding ten shillings per annum as they may prescribe and where more carriages than one are kept a further sum not exceeding five shillings for each carriage beyond the first; and

(b) if the water so used be used by means of a hosepipe or other similar apparatus charge in respect of the water so used such sum not exceeding twenty shillings per annum as they may prescribe and where more carriages than one are kept a further sum not exceeding ten shillings per annum for each carriage beyond the first.

(2) Any sums chargeable under subsection (1) of this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be payable at the same dates and be recoverable in all respects with and in the same manner as those rates.

(3) Where water supplied by the Council to a person who takes a supply both for domestic purposes

A.D. 1936. — and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in or in connection with stables garages or premises where horses carriages or motor cars are kept the Council may if they think fit require that all water so used by means of such hosepipe or other apparatus shall be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter.

Charges for supplies for refrigerating apparatus &c.

59. Where a person who takes a supply of water for domestic purposes from the Council otherwise than by measure desires to use any of the water so supplied for a water-cooled refrigerating apparatus or any apparatus depending while in use upon a supply of continuously running water the Council may if they think fit require that all water so used shall—

- (a) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or
- (b) be paid for at such rates as may be agreed between such person and the Council.

Special terms for supplies to caravans shacks and huts.

60.—(1) Notwithstanding anything in any Act relating to the Council a person shall not be entitled to demand or to continue to receive from the Council a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Council to take a supply of water by meter and to pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Council by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement

by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties. A.D. 1936.
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61. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes. Supply by measure.

62. The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per one thousand gallons. Provided that the Council shall be entitled to charge for each such supply (other than a supply given under the sections of this Act whereof the marginal notes are "Supply of water to houses partly used for trade &c." "Charges for supplies for refrigerating apparatus &c." and "Special terms for supplies to caravans shacks and huts") such minimum sum not exceeding fifteen shillings as they may prescribe in respect of the water supplied in any quarter of a year. Price of supply by measure.

63. The Minister may if he thinks fit from time to time on the application of the Council or of any local authority having jurisdiction within the water limits by order vary either by way of increase or decrease the rates and charges for the supply of water which the Council are by this Act authorised to charge and such order may provide for the alteration of the basis of such rates and charges. Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will provide a reasonable sum as a contribution towards a reserve fund in respect of the water undertaking so long as such fund does not amount to the maximum prescribed in relation to that fund by the section of this Act of which the marginal note is "Application of revenue of undertakings Reserve funds": Revision of water rates.

A.D. 1936.

Provided also that in the absence of exceptional reasons the Minister shall not alter the maximum rates and charges at less intervals than every five years.

Water
rate &c.
may be
collected
with
general
rate.

64.—(1) Any water rate or charge payable to the Council may be collected together with the general rate.

(2) The Council may demand water rates and charges by half-yearly instalments in advance on the first day of April and the first day of October in each year but no proceedings for the recovery of any such instalment shall be commenced until the expiration of two months from the first day of the half-year in respect of which it is demanded.

(3) If the Council exercise the powers of subsection (2) of this section—

(a) every person liable to the payment of such rate or charge who shall cease to occupy the premises in respect of which the rate or charge is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he ceases to occupy the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Council. The water rate or charge or any part thereof respectively payable by any such person in respect of any such premises and unpaid when he ceases to occupy the same shall become payable and be recoverable immediately upon his ceasing to occupy such premises;

(b) every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

65.—(1) The Council may make byelaws—

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(a) for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature material workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination; and

Byelaws for preventing waste &c. of water.

(b) as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Such byelaws shall apply only in the case of premises to which the Council afford or are prepared on demand to afford a constant supply of water.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours’ notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

(4) Any person who shall forge or counterfeit any stamp or mark used by the Council or by the authority of the Council for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

(5) Any byelaws of the company in force at the date of the passing of this Act dealing with the subject-matter of byelaws under this section shall continue

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A.D. 1936. — in force until the first day of January one thousand nine hundred and thirty-nine or the date of the coming into force of any byelaws made under this section which ever shall first occur and shall be and are hereby annulled as from the earlier of the two last-mentioned dates.

(6) In so far as any byelaws made by the Council under this section prescribe the size nature materials workmanship and strength of water fittings or the testing and stamping of valves and other apparatus the same shall not apply to any water fittings used on any premises (not being or being used as a hotel or dwelling-house) belonging to and forming part of the railway of a railway company so long as such water fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Council.

Power to sell meters.

66. 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.

Power to supply water fittings.

67.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations (in this section referred to as "fittings") and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council on hire as aforesaid

shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Council Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed. A.D. 1936.

(4) Provided as follows :—

- (a) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);
- (b) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in such demand note;
- (c) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

68. The Council may require that any dwelling-house the erection of which is commenced after the passing of this Act and situate on land at a higher level than fifty feet below any part of the service reservoir or tank from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Council shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section. Cisterns to be provided for high level supplies.

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Cleansing
of cisterns.

69. The Council may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the water limits for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing food or drink for the use of man.

Stop-cocks
&c. to be
fitted in
communica-
tion pipes.

70.—(1) In the case of all premises connected after the passing of this Act with the mains of the Council the Council may in cases where the communication pipes are laid by the person requiring a supply of water to any premises or by the Council at the request of such person require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position (to be reasonably approved by the road authority where the Council are not themselves the road authority) in the footway of the street in which such pipe is laid or if there be no footway in a position as near as reasonably practicable to the premises supplied and if such person fails to comply with such requirement the Council may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises within the water limits the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Council may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street within the water limits execute such works on behalf of such person and any expenses incurred by the Council in so doing shall be repaid by the person with whom the

agreement is made and shall be recoverable summarily as a civil debt. A.D. 1936,

71. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the Council or any officer of the Council duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Council in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Extension
of power to
inspect
premises.

72. When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

Maintenance
of common
pipe.

73.—(1) The Council shall not be bound to supply with water more than one house or part of a house occupied as a separate tenement by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement supplied by them with water.

Separate
communica-
tion pipes
may be
required.

(2) If the owner of any house or part of a house occupied as a separate tenement which is supplied with water by the Council when so required in pursuance of

A.D. 1936. — the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main into such house or part of a house the Council may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing.

As to communication pipes.

74.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain or repair any pipe or apparatus used for the supply of water from the waterworks of the Council the person liable to maintain or repair the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes subject nevertheless to the conditions imposed by those sections.

(2) The Council by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the water limits may subject to the like conditions execute such works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made.

Power to Council to repair communication pipes.

75. If in the opinion of the Council any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain it shall be lawful for the Council to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Council for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Council in like manner as the water rates in respect of the premises are recoverable Provided that (except in emergency) the Council shall

[26 GEO. 5. & *Fishguard and Goodwick* [Ch. lviii.]
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not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises (and if the water rates in respect of the house or premises are payable by the owner thereof to such owner) not less than twenty-four hours' previous notice of their intention so to enter. A.D. 1936.

76. Notwithstanding anything contained in any Act relating to the Council the Council shall have the exclusive right of executing any works on any of the water mains of the Council for connecting any communication pipe therewith and the Council shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Council execute on any such main any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and the reasonable charges of the Council for so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt. Council to connect communication pipes with mains.

77.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. Injuring meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may enter upon the premises occupied by the offender and

A.D. 1936. — repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use (as the case may be) has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings,

As to
register of
meters.

78.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Council.

(2) Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such Court shall be final and binding on all parties.

(3) If any meter used by a consumer of water be proved to register erroneously such erroneous registration shall be deemed to have first arisen at the beginning of the then current quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Council.

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

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 Notice to Council of connecting or disconnecting meters.

80. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the waterworks engineer or some other officer of the Council to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Power to remove meters and fittings.

81.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Council may for the purposes of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus.

Meters in streets to measure water or detect waste.

(2) Provided that the Council shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

A.D. 1936.
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Penalty for
interfering
with
valves &c.

82. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847.

Penalty for
closing
valves and
apparatus.

83. Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable on conviction to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

Agree-
ments as to
supply of
water in
certain
cases.

84. The Council may agree with the owner or occupier of any premises within the water limits who is not entitled to demand a supply of water from the Council to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates or rents are recoverable by them.

Guarantees
by district
councils.

85.—(1) Any district council whose district is in whole or in part within the water limits may give and enter into any guarantee or contract for securing payment to the Council of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Council for the purpose of or with respect to the providing or laying down by the Council of any main pipe or works for the supply of water

[26 GEO. 5. & *Fishguard and Goodwick* [Ch. Iviii.]
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within any part of such district which is within the water limits. A.D. 1936.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Council under this section :

Provided that subject to the provisions of subsections (4) and (5) of section 190 of the Local Government Act 1933 any expenditure incurred by a rural district council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

86. In addition to the powers exercisable by them under the Supply of Water in Bulk Act 1934 the Council with the approval of the Minister may enter into and carry into effect agreements with any local authority body company or person not being statutory water undertakers within the meaning of the said Act 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 the purposes of the water undertaking. Purchase of water in bulk. 24 & 25 Geo. 5. c. 15.

87. For the protection of the Great Western Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the railway company and the Council apply and have effect (that is to say) :— For protection of Great Western Railway Company.

(1) The Council shall not without the previous consent of the railway company exercise the powers conferred on them by the sections of this Act of which the marginal notes are "Application of Waterworks Clauses Act 1847 to discharge pipes telephones &c." and "Meters in streets to measure water or detect waste" in respect of any street or road which is the

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property of the railway company but such consent shall not be unreasonably withheld and shall be deemed to have been given if the railway company fail to signify their consent or dissent within twenty-one days after it shall have been applied for :

- (2) Any question as to whether or not any such consent has been unreasonably withheld shall be referred to arbitration.

PART VI.

SUPPLY OF GAS.

Commence-
ment of
this Part
of Act.

88. This Part of this Act and the other provisions of this Act relating to the supply of gas shall come into operation on the day of transfer.

Gas limits.

89. The limits of the Council for the supply of gas shall extend to and include the district and the parishes of Llanwnda Manorowen and Fishguard South in the rural district of Haverfordwest.

Power to
maintain
gasworks
&c.

90. Subject to the provisions of this Act the Council may on the lands described in the schedule to the Fishguard Water and Gas Act 1899 upon which the existing gasworks of the Company are erected maintain work alter improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the gas limits and may also on the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them or purchased by them under the powers conferred by section 4 of the Gas Undertakings Act 1929 and for this purpose the Council may purchase from any source and use such material as is required to work up and convert any such residual products.

19 & 20
Geo. 5. c. 24.

Price of
gas.

91. The price charged by the Council in respect of gas supplied by them to consumers by meter shall not at any time exceed one shilling and nine pence per therm within the district and one shilling and ten pence per therm within so much of the gas limits as is beyond the district.

[26 GEO. 5. &
1 EDW. 8.]

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92.—(1) The charge made by the Council for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be three decimal six pence per therm if a cooking stove is included and threepence per therm if a cooking stove is not included.

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Charge for
hire &c. of
prepayment
meters.

(2) The charge made by the Council for the hire of a prepayment meter without fittings shall be a sum of money calculated according to the number of therms supplied (when the maximum rate of charge shall be one decimal eight pence per therm) or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(3) The said charges shall include the providing letting fixing repairing and maintenance of the meter and fittings or of the meter (as the case may be) and the cost of collection and other costs incurred by the Council in connection therewith.

93. The Board of Trade may if they think fit from time to time on the application of the Council or of any local authority having jurisdiction within the gas limits or of twenty consumers by order vary either by way of increase or decrease the charges for the supply of gas which the Council are by this Act authorised to make Provided that the charges prescribed in any such order shall be of such amounts as in the opinion of the Board of Trade will provide a reasonable sum as a contribution towards the reserve fund in respect of the gas undertaking so long as such fund does not amount to the maximum prescribed in relation to that fund by the section of this Act of which the marginal note is "Application of revenue of undertakings Reserve funds."

Revision
of gas
charges.

94. Subject to the provisions of this Act the declared calorific value shall be that which is in operation in relation to the undertaking of the company under the North Pembrokeshire Gas (Charges) Order 1923 immediately before the day of transfer.

Declared
calorific
value.

95. The number of therms supplied to any consumer shall be ascertained by multiplying the number of cubic feet of gas registered by his meter by the number

Measure of
therms
supplied.

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A.D. 1936. — of British thermal units comprised in the declared calorific value and dividing the product by one hundred thousand.

Variation of declared calorific value.

96. If at any time the Council intend to alter the declared calorific value they shall give notice by advertisement in the London Gazette of their intention to supply as from a date to be therein specified and being not less than three months from the date of such notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Act. A copy of the notice required by this section shall be sent to each local authority and to every consumer and to the Board of Trade.

Adjustment of consumers' burners.

97. If and so often as the Council shall alter the declared calorific value they shall at their own expense effect such alteration adjustment or replacement of the burners in the consumers' appliances as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid.

Pressure.

98. If the declared calorific value is less than three hundred and fifty British thermal units the minimum permissible pressure at which gas may be supplied shall be as follows :—

Where the declared calorific value is below three hundred and fifty British thermal units and not below three hundred British thermal units the minimum permissible pressure shall be two and a half inches ;

Where the declared calorific value is below three hundred British thermal units the minimum permissible pressure shall be such pressure (not being less than three inches) as shall be prescribed by the gas referees.

Application of provisions of Gas Regulation Act 1920. 10 & 11 Geo. 5. c. 28.

99. Sections 2 5 7 and 9 of the Gas Regulation Act 1920 as amended by subsequent Acts shall apply to the Council in the like manner as those sections apply to undertakers in respect of whom an order under section 1 of that Act has been made by the Board of Trade.

100.—(1) The Council may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive power heating ventilating cooking or any other purposes (in this and the next succeeding section referred to as "gas fittings") and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

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Power to
supply gas
fittings &c.

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

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

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

(3) Any gas fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession they may be.

(4) All such gas fittings so let for hire shall notwithstanding that they may be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Council:

Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings may be fixed.

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(5) The provisions of subsections (3) and (4) of this section shall apply only to such gas fittings as are marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

Application of proceeds of sale and hire of gas fittings.

101. If any gas fittings are sold or let for hire by the Council under any statutory powers the price paid by the purchaser or the rent paid by the hirer as the case may be shall subject in the case of gas fittings let on hire to deduction of sums expended on maintenance of such gas fittings be applied by the Council in payment of interest and the repayment of principal in respect of any loan from the proceeds of which the gas fittings were purchased by the Council so long as any balance of the loan remains outstanding.

Offices showrooms &c.

102. The Council may purchase or take on lease offices showrooms and other buildings for the purposes of the gas undertaking and may erect fit up and maintain any such building upon any lands for the time being belonging or leased to the Council in connection with the gas undertaking.

Power to compel repairs in case of danger.

103. If the Council shall at any time serve notice upon any consumer within the district to the effect that an officer or servant of the Council has reported after inspection of any piping or gas-consuming appliance or fitting on such consumer's premises that he is of opinion that any such piping or gas-consuming appliance or fitting is in such a condition as to be dangerous such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger. If the consumer shall fail forthwith to carry out such works as aforesaid the Council may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Council shall think fit. Any expenses lawfully incurred by the Council in cutting off the gas from such premises may be recovered by the Council from such consumer summarily as a civil debt.

Position of meter.

104. Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Council's gas main but within the outside wall

of the building and when any such meter has been placed the person placing the same shall give notice thereof to the Council and thereupon any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of inspecting such meter and building and if the officer is not permitted to make the inspection or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with :

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Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Council for the meter or a separate meter house such meter may be placed in such accommodation or meter house instead of within the outside wall of the building.

105. If any person supplied with gas by the Council improperly uses or deals with the same so as to interfere with the efficient supply of gas by the Council to any consumer the Council may if they think fit cease to supply gas to such person.

For preven-
tion of
improper
use of gas.

106.—(1) The Council's inspectors or servants shall at all reasonable times have access to and be at liberty to inspect take off remove test repair and replace gas meters which are the property of the Council and meanwhile to fix a substituted meter on the premises such inspection taking off removal testing repairing and replacing to be done at the expense of the Council.

Inspection
and testing
of meters.

(2) The expense of changing and testing such a meter which at the request of a consumer has been tested in manner provided by regulations made by the Board of Trade under the Gas Regulation Act 1920 and found to register erroneously to a degree exceeding the degree permissible under the said regulations shall be borne by the Council but if the meter has been found not so to register erroneously shall be borne by the consumer.

107. When at the request and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Council may levy and recover such

Charges for
special
reading of
meters.

A.D. 1936. — charges as they think fit not exceeding one shilling for each such special reading.

Relief from obligation to supply.

108.—(1) Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Council is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the area of supply of the Council for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Council notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

- (a) a new supply of gas for the premises of any person demanding such supply at any time after the date of the passing of this Act; or
- (b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Council.

(2) The foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as “the applicant”) shall enter into a written contract with the Council—

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Council may reasonably require; or
- (ii) to make such payment or payments to the Council (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Council may reasonably require;

(according as the Council may in their discretion determine) in consideration of or by way of contribution

towards the expenses to be incurred by the Council in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Council may reasonably demand.

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(3) If any question shall arise under the provisions of this section between the Council and the applicant as to the sufficiency of the distribution works of the Council or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Council or as to the nature or amount of the security demanded by the Council such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Council and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding.

(4) In determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Council may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Council would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) how far such capital expenditure may become unproductive to the Council in the event of the cesser of the new or increased supply.

109. The Council may within the gas limits lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or

Power to lay pipes for ancillary purposes.

A.D. 1936. — disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with the gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable to the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof :

Provided that no such main pipe or culvert shall be laid down in any street without the consent in writing of the persons having the control or management of the street or being responsible for the repair thereof having been first obtained but such consent shall not be unreasonably withheld and any difference arising between the Council and such persons shall be determined by arbitration.

PART VII.

PROVISIONS COMMON TO THE SUPPLY OF WATER AND GAS.

Power to
lay pipes in
private
streets.

110.—(1) The Council may on the application of the owner or occupier of any premises within the water limits or the gas limits (as the case may be) abutting on any street laid out but not dedicated to public use supply those premises with water or gas (as the case may be) and for that purpose the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if section 29 of that Act were excepted from incorporation with this Act and the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation with this Act.

(2) The powers conferred by this section shall not extend to any street which is repairable by any railway company and used for the purposes of their railway without the consent in writing of such railway company :

Provided that such consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be determined by arbitration.

111. If the Council commence proceedings for the summary recovery of any sum due for a supply of water or gas any other sum due or payable to the Council by the same consumer in respect of the sale or hire of any apparatus or fittings supplied or provided by them for or in connection with the consumption or use of water or gas or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of water or gas provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

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—
As to . . .
recovery of
sums due . . .
for fittings
&c.

112. A notice to the Council from a consumer for the discontinuance of a supply of water or gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council or be given by the consumer personally at the office of the Council.

Notice of
discon-
tinuance.

113. The Council may if they think fit make an allowance by way of discount not exceeding five per centum on all sums of money due to the Council for the supply of water or gas from any person who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Council shall allow such discount) be endorsed on every demand note in respect of such charges Provided that the Council shall make the same allowance to all consumers under similar conditions.

Discounts
for prompt
payment.

114. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the water or gas undertakings.

Service of
water and
gas notices
and demand
notes.

15 & 16 Geo. 5.
c. 90.

115. The Council shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous

Works
below high-
water mark
not to be
constructed
without

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—
consent of
Board of
Trade.

consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve in writing under hand as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

PART VIII.

FINANCIAL.

Power to
borrow.

116.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Council may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For the purchase of the undertaking of the Company.	The sum requisite.	Forty years from the date or dates of borrowing.
(b) For defraying the costs and expenses incident to such purchase and to the transfer of the said undertaking to the Council (other than the costs charges and expenses of this Act).	The sum requisite.	Forty years from the date or dates of borrowing.

[26 GEO. 5. &
1 EDW. 8.]

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1	2	3	A.D. 1936.
Purpose.	Amount.	Period for repayment.	
(c) The purchase of lands and easements for the construction of the waterworks authorised by this Act.	£2,770	Sixty years from the date or dates of borrowing.	
(d) The construction of the waterworks authorised by this Act.	£13,880	Thirty-five years from the date or dates of borrowing.	
(e) Water mains and other waterworks purposes.	£4,250	Forty years from the date or dates of borrowing.	
(f) For re-conditioning existing water mains.	£750	Ten years from the date or dates of borrowing.	
(g) Gas mains and other gasworks purposes.	£10,000	Forty years from the date or dates of borrowing.	
(h) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.	

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

117. Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Council for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Council shall make such adjustments of any existing sinking funds as may be proper.

Application of Local Government Act 1933 to existing sinking funds.

118. The Council may close any transfer books or the registers of transfers of mortgages of the Council as the case may be on any day not more than thirty days next before the date on which an instalment of interest

Closing of registers.

A.D. 1936. on such mortgages is payable but so that the books be
— not at any time kept closed for more than thirty days.

Use of
moneys
forming
part of
sinking and
other funds.

119. Notwithstanding anything contained in this or any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital contingent or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

- (1) The moneys so used shall be repaid out of the general rate fund within the period and by the method within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used:
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects

as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly. A.D. 1936.
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120.—(1) Notwithstanding anything contained in any other Act or Order all moneys received by the Council whether on capital or revenue account including (but without prejudice to the generality of this provision)— Receipts and expenses.

(a) all money received on account of the revenue of any of the undertakings of the Council;

(b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals repairs contingency or other similar fund (including any interest payable to any such fund or any other fund in pursuance of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds");

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Council in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act whether public or local (including interest on moneys borrowed by the Council and all sums required by law to be paid or transferred or which the Council may determine to pay or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund:

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Council to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

121.—(1) The Council shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or Account of undertakings.

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— division in respect of each of the undertakings of the Council as from time to time existing from which revenue is derived (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking including the income from any reserve or other similar fund formed in connection with the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Council for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain; and
- (f) Any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings Reserve funds."

(2) The Council shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Council keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

122.—(1) If in respect of any year the moneys received by the Council on account of the revenue of any of the undertakings of the Council (including the interest and other annual proceeds received by the Council in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the moneys expended or applied by the Council in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section the Council may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes :—

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 —
 Application
 of revenue
 of under-
 takings
 Reserve
 funds.

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In the renewal construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in respect of any of the undertakings of the Council by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used under the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds") investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund from time to time prescribed by the Council.

(2) Any reserve fund which has been provided in respect of any undertaking of the Council and which is in existence on the first day of April one thousand nine hundred and thirty-six shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the

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income of the Council from the undertaking in connection with which it is formed; or

(b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of that undertaking; or

(c) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Date of operation of certain sections.

123. The sections of this Act of which the marginal notes are "Receipts and expenses" "Accounts of undertakings" and "Application of revenue of undertakings Reserve funds" shall be deemed to have come into operation on the first day of April one thousand nine hundred and thirty-six.

PART IX.

MISCELLANEOUS.

Byelaws.

124. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister.

Authentication and service of notices.

125.—(1) Where any notice or demand under this Act or under any local Act or Order or any 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.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act 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 registered office or at their principal office or place of business.

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 —

126. All consents given by the Council under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

Consents of Council to be in writing.

127. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the general rate fund or to such other fund as the Council shall direct.

Penalties to be paid over to treasurer.

128. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Compensation how to be determined.

129. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the

Evidence of appointments authority &c.

A.D. 1936. — production of any minute book or other record or document.

Damages and charges to be settled by court.

130. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Recovery of demands.

131. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in an action founded on contract or tort.

Several sums in one summons.

132. Where the payment of more than one sum by any person is due under any Act or Order relating to the Council any summons or warrant issued for the purposes of any 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.

Recovery of penalties &c.

133. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Saving for indictments &c.

134. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this

[26 GEO. 5. & *Fishguard and Goodwick* [Ch. lviii.]
 1 EDW. 8.] *Urban District Council*
Act, 1936.

Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. A.D. 1936.

135. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein. Application of section 265 of Public Health Act 1875.

136. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly. Inquiries by Minister.

137. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President for the time being of the institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration. Application of Arbitration Acts 1889 to 1934.

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

139. 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 liable to any rate. Judges not disqualified.

140. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. Powers of Act cumulative.

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Costs of
Act.

141. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

[26 GEO. 5. &
1 EDW. 8.]

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The SCHEDULES referred to in the
foregoing Act.

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FIRST SCHEDULE.

PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Parish.	Numbers on deposited plan.
Llanychaer	4
Fishguard South	5 and 7

SECOND SCHEDULE.

PROVISIONS OF THE FISHGUARD WATER AND GAS ACT 1899
AND THE NORTH PEMBROKESHIRE WATER AND GAS ACT
1900 SAVED FROM REPEAL.

(A) FISHGUARD WATER AND GAS ACT 1899.

22. Subject to the provisions of this Act the Company may make and maintain in the lines or situations and according to the levels shown on the said deposited plans and sections the pumping stations wells or shafts conduits or lines of pipes service reservoirs alterations deviations diversions and other works shown on the said deposited plans among which are comprised the following namely :—

Power to
make
waterworks.

Work No. 1 A reservoir with dam and filter beds situate in field No. 222 on the 1/2500 Ordnance map published in 1889 in the parish of Llanllawer and the adjoining fields Nos. 235 and 236 in the parish of Llanychlwydog in the county of Pembroke the dam to commence in the said field No. 222 in the said parish of Llanllawer at a point 135 yards or thereabouts north-east of the farm dwelling-house known as Ire-pwll and to terminate in the said field No. 235 in the same parish of Llanychlwydog at a point 100 yards or thereabouts north-west of the farm dwelling-house known as Clyn-gath :

Work No. 2 A line of pipes commencing at a junction with Work No. 1 in the same field No. 236 in the said

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parish of Llanychlwydog and terminating in field No. 545 on the said 1/2500 Ordnance map in the parish of Fishguard in the said county of Pembroke at a point at the western boundary thereof 30 yards or thereabouts from the north-west corner of the said field:

Work No. 3 A service reservoir situate in the said field No. 545 in the said parish of Fishguard at the termination of Work No. 2:

Together with all proper wells shafts drifts adits engines pumps machinery buildings pipes conduits sluices standpipes tanks embankments culverts drains approaches and other works and conveniences ancillary or subsidiary thereto or connected therewith and may enter upon take and use such of the lands shown on the deposited plans and described in the book of reference as they may require for the purposes of this Act and may take use and appropriate for the purposes of the works and undertaking of the Company all waters found in on or under any of the lands for the time being belonging to the Company.

Powers as to construction and maintenance of gasworks &c.

40. Subject to the provisions of this Act the Company may construct maintain alter improve enlarge extend and renew or discontinue gasworks and manufactories upon the lands or any part thereof which are described in the schedule to this Act and they may also on those lands erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers manufactories condensers scrubbers exhausters purifiers gasholders tanks receivers drains sewers mains pipes lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may produce manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal liquor and all other products or residuum of any materials employed in or resulting from the manufacture of gas and residual products.

For protection of Fishguard and Rosslare Railways and Harbours Company.

62. Nothing contained in this Act shall be construed or operate to prejudice or prevent the Fishguard and Rosslare Railways and Harbours Company from making or sinking any well or shaft or collecting impounding and using the streams springs and waters in on or under any lands now belonging to them or which may hereafter be acquired by them or making such other provision as may be deemed expedient for the purpose of supplying gas water or electricity to their engines warehouses docks and buildings or to vessels belonging to them or frequenting their harbour or to houses occupied by persons in their employ.

THE SCHEDULE REFERRED TO IN THE FOREGOING ACT.

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GAS LANDS.

A piece or parcel of land containing by admeasurement two acres and two roods or thereabouts situate at Goodwick Bridge in the parish of Fishguard in the county of Pembroke and numbered 1268 on the 1/2500 Ordnance map of the said parish (published in 1889) bounded on the north by the public highway leading from Fishguard to Goodwick on the south by an occupation road leading to the old stone quarries on the east by the said public highway and on the west partly by the Goodwick Brook and partly by a piece of land numbered 1267 on the said Ordnance map in the occupation of George Davies.

(B) NORTH PEMBROKESHIRE WATER AND GAS ACT 1900.

7. Subject to the provisions of this Act the Company in the lines and situation and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain in the county of Pembroke the waterworks shown on the deposited plans and hereinafter described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose or for the waterworks purposes of this Act.

Power to
construct
additional
waterworks.

The waterworks in this section referred to are the following:—

- (1) A reservoir to be formed by means of an embankment across the Pontfaen brook and to be situate partly in the parish of Pontfaen and partly in the parish of Llanychaer :
- (2) A conduit or line of pipes commencing in the reservoir aforesaid and terminating by a junction with the Company's authorised line of pipes in the parish of Llanychlwdog :
- (3) A conduit or line of pipes commencing by a junction with the Company's authorised line of pipes in the parish of Llanychaer and terminating in the parish of Llanllawer :
- (4) A service reservoir in the parish of Llanllawer :
- (5) A conduit or line of pipes commencing in the service reservoir aforesaid and terminating in the public road leading from Llanllawer to Dinas at the boundary of the parish of Fishguard.

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Act, 1936.

A.D. 1936.

Power to
 make
 subsidiary
 waterworks.

8. The Company in addition to the waterworks by the section of this Act whereof the marginal note is "Power to construct additional waterworks" authorised may subject to the provisions of this Act upon any lands acquired or to be acquired by them make and maintain all such embankments dams culverts cuts shafts approaches catchwaters and other drains overflows filter-beds water-towers engines pumps conduits tanks pipes valves and bye-washes houses buildings apparatus and conveniences as may be necessary or expedient in connection with the before-mentioned waterworks or any of them.

Power to
 take waters.

9. Subject to the provisions of this Act the Company may by means of the works authorised by this Act collect impound take use divert and appropriate for the purposes of their water undertaking all such springs streams and waters as will or may be intercepted by the waterworks by this Act authorised.

For
 protection
 of Reverend
 Thomas
 Gwynne
 Mortimer.

10. For the protection of the Reverend Thomas Gwynne Mortimer or other the owner or owners for the time being of the Court Estate in the parish of Llanllawer in the county of Pembroke (all of whom are in this section included in the expression "the owner") the following provisions shall have effect (that is to say) :—

- (1) The Company shall not in the construction of the works numbered 3 and 5 by this Act authorised without the consent of the owner abstract or interfere with any watercourses springs streams or waters on the said estate:
- (2) The Company shall make and maintain a proper conduit or pipe so as to provide for the flow over or under the said work numbered 5 of the stream crossing under the public road leading from Llanllawer to Dinas and forming the boundary between the fields numbered 95 and 97 and running into the field numbered 93 on the Ordnance map (scale 1/2500 1889) of the parish of Llanllawer and the Company shall take all necessary means to prevent such stream from flowing along the course of any trench or trenches or other excavations which may be opened or made for the purpose of the construction and maintenance of the said work or in connection therewith :
- (3) All works and conveniences to be made done or maintained by the Company under the provisions of this section shall be made done and maintained at the expense of the Company and to the satisfaction and under the superintendence of the surveyor or other agent of the owner and in the event of any difference

[26 GEO. 5. &
1 EDW. 8.]

*Fishguard and Goodwick
Urban District Council
Act, 1936.*

[Ch. lviii.]

arising between the Company and the owner or his agent with regard to such works and conveniences or anything to be done by the Company under the preceding clauses of this section such difference shall be referred to a competent engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers :

A.D. 1936.

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- (4) Notwithstanding anything in this Act contained the Company shall not take any greater quantity of land belonging to the owner than half an acre for the purposes of the service reservoir numbered 4 by this Act authorised or in connection therewith.

21. Nothing in this Act shall be deemed to alter the limits of the rivers East Cleddy and West Cleddy or of the fishery district of the said rivers as defined by any certificate of a Secretary of State under the provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 or any of them.

Saving for
limits of
fishery
district.

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