

[8 EDW. 7.] *Conway and Colwyn Bay Joint Water Supply Board Act, 1908.* [Ch. xxxii.]



CHAPTER xxxii.

An Act to confirm the construction by the Conway and Colwyn Bay Joint Water Supply Board of their existing works and to confer upon them further powers and for other purposes. A.D. 1908.

[1st August 1908.]

WHEREAS under or by virtue of the Conway and Colwyn Bay Joint Water Supply Order 1891 (hereinafter referred to as "the Order of 1891") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 14) Act 1891 and of the County of Carnarvon (Penrhyn) Confirmation Order 1894 and of the Conway and Colwyn Bay Joint Water Supply Order 1896 (hereinafter referred to as "the Order of 1896") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1896 the borough of Conway the urban district of Colwyn Bay and Colwyn the contributory places of Llangwstenin Llysfaen and Penrhyn in the rural district of Conway and the contributory place of Llansaintffraid in the rural district of Glan Conway (all of which urban districts and parts of rural districts are hereinafter referred to as "the constituent districts") were constituted a united district under the title of "the Conway and Colwyn Bay Joint Water Supply District" for the purpose of procuring a common supply of water for the constituent districts and of acquiring such lands waterworks and rights and of executing such works as should be necessary or proper for collecting storing and conveying water for distribution by the sanitary authorities of the constituent districts and for the other purposes mentioned in the Order of 1891 :

[Ch. xxxii.] *Conway and Colwyn Bay Joint Water Supply Board Act, 1908.* [8 EDW. 7.]

A.D. 1908.

And whereas under the Order of 1891 as altered by the Order of 1896 and by the Conway and Colwyn Bay Joint Water Supply Order 1898 (which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1898) the Conway and Colwyn Bay Joint Water Supply Board (hereinafter referred to as "the Joint Board") were constituted the governing body of the Conway and Colwyn Bay Joint Water Supply District with all powers rights duties and liabilities of an urban sanitary authority in relation to water supply so far as applicable under the Public Health Act 1875 and any Act amending that Act :

And whereas under or by virtue of an indenture dated the seventh day of October one thousand eight hundred and ninety-two and made between the Right Honourable Gilbert Henry Heathcote Drummond Willoughby Earl of Ancaster Baron Willoughby de Eresby and Baron Aveland of the first part Edgar Atheling Drummond Reginald Augustus Warren and the Right Honourable Peter Robert Baron Gwydyr of the second part the Honourable Frederick George Wynn of the third part and the Joint Board and the Conway Union Rural Sanitary Authority of the fourth part for the consideration in the said indenture mentioned the Joint Board acquired full right and liberty to make and maintain an embankment across the outlet of Lake Cowlyd in the county of Carnarvon so as to raise the level thereof four feet above the cill of the then existing stream gauge there and the right to abstract water from the said lake by means of pipes of the sizes and descriptions mentioned in the schedule thereto :

And whereas under the said indenture the Joint Board covenanted among other things to make and maintain the various works specified in the schedule thereto with all additional and subsidiary works necessary for the completion thereof and the Joint Board further covenanted that they would before raising the level of the said lake and abstracting therefrom any water obtain the consent of all persons having rights to use water from a certain stream running out of the said lake and known as Afon Ddu to the exercise of the rights by the said indenture granted :

And whereas under an indenture dated the fifth day of June one thousand eight hundred and ninety-six and made between John Williams of the one part and the Joint Board

[8 EDW. 7.] *Conway and Colwyn Bay Joint Water* [Ch. xxxii.]
Supply Board Act, 1908.

of the other part and under an indenture dated the twenty-
second day of February one thousand eight hundred and
ninety-seven and made between Gwalia Limited of the one
part and the Joint Board of the other part the Joint Board
are now the owners of the freehold in possession of the said
lake: A.D. 1908.

And whereas it has been found necessary for the purpose
of making provision for the adequate and efficient supply of
water within the constituent districts to raise the level of the
said lake six feet above the cill of the said stream gauge and
the said embankment has been constructed across the outlet
of the said lake accordingly:

And whereas the pipes and other works mentioned in the
said indenture and in the schedule thereto have been laid and
constructed:

And whereas it is expedient that the construction and
maintenance of the said embankment and other existing works
of the Joint Board should be confirmed and sanctioned as by
this Act provided:

And whereas it is expedient to make provisions with
respect to the amount of compensation water to be delivered
by the Joint Board:

And whereas it is expedient to confer on the Joint
Board such further powers as this Act contains:

And whereas plans and sections of the said embankment
and other existing works of the Joint Board and a book of
reference to the plans containing the names of the owners
and lessees or reputed owners and lessees and of the occu-
piers of the lands required for the said existing works have
been deposited with the clerk of the peace for the county
of Carnarvon and the clerk of the peace for the county of
Denbigh and those plans and sections are in this Act respec-
tively referred to as the deposited plans and sections:

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

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:—

[Ch. xxxii.] *Conway and Colwyn Bay Joint Water Supply Board Act, 1908.* [8 EDW. 7.]

A.D. 1908.
Short title.

1. This Act may be cited as the Conway and Colwyn Bay Joint Water Supply Board Act 1908.

Confirmation
of construc-
tion of exist-
ing works.

2. The construction by the Joint Board of the existing works hereinafter described which are shown upon the deposited plans and sections is hereby sanctioned and confirmed and the said works shall be deemed to have been lawfully constructed as part of the undertaking of the Joint Board and the Joint Board may from time to time alter improve enlarge extend renew reconstruct or discontinue all or any of the same and may retain hold and use for the purposes of the undertaking all or any of the lands or any interest in any lands already acquired by the Joint Board for the purposes of or in connection with the said works Provided that the Joint Board shall not alter enlarge or extend Work No. 1 or the gauge chamber and the works therein contained except with the consent under seal of the Aluminium Corporation Limited such consent not to be unreasonably withheld.

The works hereinbefore referred to are situate in the counties of Carnarvon and Denbigh and are—

Work No. 1 The embankment or dam constructed by the Joint Board across the outlet of Lake Cowlyd in the parishes of Llanrhychwyn and the township of Dolgarrog in the county of Carnarvon which raised the said outlet six feet above the cill of the former stream gauge there The said embankment or dam being one hundred and seventy-six yards in length or thereabouts :

Work No. 2 The conduit or line of pipes constructed for abstracting water from the said lake commencing at a point near the outlet of the said lake fourteen feet below the level of the present overflow cill at the said outlet and extending from that point for a distance of four hundred and ninety-two yards in a north-easterly direction to the gauge chamber situate in the township of Dolgarrog and thence proceeding through the said township for four thousand one hundred yards or thereabouts to an overflow chamber thence for a distance of five hundred and fifty yards or thereabouts to a pressure reducing tank thence for a distance of five hundred yards or thereabouts to the main road thence along the

[8 EDW. 7.] *Conway and Colwyn Bay Joint Water* [Ch. xxxii.]
Supply Board Act, 1908.

main road in the township of Dolgarrog and parishes of Caerhun Llanbedr-y-Cennin Llangelylin Gyffin and Conway thence along the suspension bridge over the River Conway thence onwards along the main road in the parishes of Conway Llanrhos and Llangwstenin to Sarn Mynach in the parish of Llansaintffraid Glan Conway in the county of Denbigh.

A.D. 1908.

3. Subject to the provisions of this Act the Joint Board may collect impound take use divert and appropriate from Lake Cowlyd all the water they may from time to time require for the purposes of the Orders of 1891 1896 and 1898 and of this Act.

Power to abstract water.

4. — (1) The Joint Board shall during every day of twenty-four hours discharge or deliver into the stream Afon Ddu at a point therein situate not more than five hundred and eighty yards below the foot of the embankment across the outlet of Lake Cowlyd not less than one million three hundred and sixty-four thousand gallons of water in a continuous flow.

As to compensation water.

(2) For the purpose of measuring the quantity of water to be so discharged or delivered into the stream Afon Ddu the Joint Board shall maintain their existing gauge chamber or some equally suitable and efficient measuring gauge over or through which the said compensation water shall flow and the same shall be open to the inspection and examination of any duly authorised officer of the board of conservators of the Conway Fisheries District and of all persons interested therein.

(3) In case of any neglect on the part of the Joint Board to maintain the gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Joint Board shall for every day on which such neglect occurs forfeit and pay to the said board of conservators and to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(4) If any difference arises between the Joint Board and the said board of conservators or any person so interested

A.D. 1908. with respect to the construction or use of the gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the Board of Trade.

(5) Subject to the provisions of the section of this Act the marginal note whereof is "For protection of Aluminium Corporation Limited" the provisions of this section shall be accepted and taken by all persons interested as full compensation for all waters which the Joint Board can divert collect impound or appropriate by means of their works for the time being authorised by this Act or otherwise.

For protection of Aluminium Corporation Limited.

5. Notwithstanding anything contained in the section of this Act whereof the marginal note is "As to compensation water" the Joint Board shall for the protection of the Aluminium Corporation Limited their successors and assigns (hereinafter referred to as "the Aluminium Corporation") discharge from their existing gauge chamber not less than one million five hundred and fifty-two thousand five hundred gallons of water into the main stream of the Afon Ddu from Lake Cowlyd on every day of twenty-four hours in a continuous and uniform flow and if the Aluminium Corporation is injuriously affected by the powers rights or privileges by this Act conferred upon the Joint Board the Aluminium Corporation shall also be entitled to full compensation for all damage sustained by them by reason of the exercise of the said powers in manner provided by section 6 of the Waterworks Clauses Act 1847 or any Act amending the same Provided that in assessing the compensation aforesaid the arbitrator or the jury shall take into consideration the benefit (if any) to be derived from the discharge from the said gauge chamber of the one million five hundred and fifty-two thousand five hundred gallons of water aforesaid.

Alteration of existing overflow chamber.

6. The Joint Board shall upon the request in writing of the Aluminium Corporation and in all things at the expense of that Corporation alter the position of the existing overflow chamber in the valley of the Afon Ddu belonging to the Joint Board in such manner that any water which may be discharged therefrom shall flow into the Afon Ddu at a point on that stream two thousand yards or thereabouts measured in a

[8 EDW. 7.] *Conway and Colwyn Bay Joint Water* [Ch. xxxii.]
Supply Board Act, 1908.

straight line from the outlet of Lake Cowlyd Provided that the Joint Board may if they think fit when making such alteration replace the stoneware pipes from the said existing overflow chamber to the overflow chamber when altered as aforesaid with pipes of cast iron not more than fifteen inches in diameter the requisite lands or easements therefor to be acquired by and at the cost of the Aluminium Corporation such cost to include the cost of such replacement. A.D. 1908.

7. The following provisions shall apply and have effect for the protection and benefit of the Dolgarrog Estate of George Cooper of Huntington Hall in the county of Chester and his heirs and assigns (all of whom are in this section included in the expression "the owner") (that is to say) :— For protection of George Cooper.

(1) Notwithstanding anything contained in this Act the covenant on the part of the Joint Board contained in the said indenture of the seventh day of October one thousand eight hundred and ninety-two to maintain the works therein referred to as sanctioned confirmed varied or altered by or in pursuance of this Act at all times in an efficient condition and to be responsible for all damage caused by the exercise of the rights by the said indenture granted and the covenants on the part of the Joint Board contained in an indenture dated the twenty-seventh day of December one thousand eight hundred and ninety-two and made between the Honourable Frederick George Wynn of the one part and the Joint Board of the other part so far as the same respectively affect and are applicable to or in respect of the several parts of the Dolgarrog Estate referred to in the said indentures respectively and now belonging or reputed to belong to the owner as the successor in title of the Earl of Ancaster Lord Willoughby de Eresby and Lord Aveland and the Honourable Frederick George Wynn respectively shall remain in full force and effect and enure for the benefit of the owner :

(2) The Joint Board shall forthwith make and for ever thereafter maintain a good and sufficient fence for sheep and cattle so as to separate the lands and

[Ch. xxxii.] *Conway and Colwyn Bay Joint Water Supply Board Act, 1908.* [8 EDW. 7.]

A.D. 1908.

property of the Joint Board from those of the owner on the eastern side of the portion thereof known as Brwynog Ucha Farm:

- (3) There shall always be maintained by the Aluminium Corporation Limited out of the compensation water discharged into the River Afon Ddu by the Joint Board in pursuance of this Act a reasonable quantity of unpolluted water sufficient for watering cattle and for agricultural and domestic purposes only in the said river where it adjoins or abuts upon the Dolgarrog Estate of the owner for the use of the owner his tenants and servants and all other persons authorised in that behalf by him or them.

Temporary discharge of water into streams.

8.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any conduit line of pipes or other works of the Joint Board the Joint Board may cause the water in any such conduit line of pipes or other works to be temporarily discharged into any available stream or watercourse.

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

Costs of Act.

9. The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act shall be paid by the Joint Board out of their common fund.

Printed by EYRE and SPOTTISWOODE, Ltd.,

FOR

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

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