



ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. cxxxviii.

An Act to extend the Limits for the Supply of Water, and to authorize the building of a Town Hall, by the Local Board of Health for the District of *Merthyr Tydfil*; and for other Purposes. [29th June 1865.]

WHEREAS by the "*Merthyr Tydfil Water Act, 1858*," 21 & 22 Vict. c. xii. (herein-after called "the Act of 1858,") the Local Board of Health for the District of *Merthyr Tydfil* (herein-after called "the Local Board") was empowered to construct Waterworks and to supply Water within the District of the Local Board, comprising the whole of the Parish of *Merthyr Tydfil* in the County of *Glamorgan*: And whereas it is expedient that the Local Board should be authorized to supply with Water that Part of the Parish of *Vaynor* in the County of *Brecon* which is within the Limits of the Parliamentary Borough of *Merthyr Tydfil*: And whereas it is expedient that the Local Board should be authorized to erect a Town Hall or other Building for the Use of the Town of *Merthyr Tydfil* and of the Local Board, and for public Purposes: And whereas Plans showing the Lands required to be taken or used

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for the same and a Book of Reference thereto have been deposited with the Clerk of the Peace for the County of *Glamorgan*, which Plans and Book of Reference are herein-after respectively referred to as the deposited Plans and Book of Reference: And whereas it is expedient that the Local Board should be authorized to raise Money for the Purposes of this Act: And whereas the Objects aforesaid 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. **1.** This Act may be cited for any Purpose as "*Merthyr Tydfil Water Act, 1865.*"

Meaning of Terms. **2.** In this Act the Expression "the Public Health Acts" shall mean "The Public Health Act, 1848," and the several Acts amending the same, and "The Local Government Act, 1858," and the several Acts amending the same.

Act to be executed by Local Board. **3.** Except as is by this Act otherwise provided, this Act shall be executed by the Local Board with the Powers and Indemnities, and according to the Provisions of the Public Health Acts, and the Public Health Acts shall, in relation to the Local Board, be read and construed as if the Purposes and Provisions of this Act were Purposes and Provisions of "The Public Health Act, 1848."

8 & 9 Vict. c. 18.,
10 & 11 Vict. c. 17.,
23 & 24 Vict. c. 106., and
26 & 27 Vict. c. 93. incorporated.
4. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863," (save so far as the Clauses and Provisions thereof respectively are excepted or varied by this Act, or are repugnant to or inconsistent with the Public Health Acts, and except the Clauses of "The Waterworks Clauses Act, 1847," with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit,) shall be incorporated with this Act; and in construing those Acts as incorporated with this Act, the Expressions "the Undertakers" and "the Promoters of the Undertaking" shall respectively mean the Local Board.

Same Meanings to Words in incorporated
5. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject
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- or Context something repugnant to or inconsistent with such Construction. Acts as in this Act.
- 6.** Any Summons, Demand, or Notice, or other such Document under or for the Purposes of this Act, or any of them, may be in Writing or Print, or partly in Writing and partly in Print; and if the same require Authentication by the Local Board, the Signature thereof by the Clerk to the Local Board shall be a sufficient Authentication. Authentication of Notices, &c.
- 7.** All Lands and Premises, Rights, Easements, Powers, and Privileges which shall be purchased, hired, or taken by the Local Board under the Powers of this Act may be conveyed, demised, granted, and assured to the Local Board and their Successors in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate. Forms of Conveyance, &c.
- 8.** The Limits of the Act of 1858 and of this Act shall comprise and include that Part of the Parish of *Vaynor* in the County of *Brecon* which is within the Parliamentary Borough of *Merthyr Tydfil*, and it shall be lawful for the Local Board to exercise within such extended Limits the same Powers as the Act of 1858 would have enabled them to exercise therein if such Part of the Parish of *Vaynor* had been originally included within the Limits of that Act. Extending Limits of Act of 1858.
- 9.** Sections 19, 20, 23, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 72, 73, 74, 75, 76, 77, 78, and 79 of the Act of 1858 shall extend and be applicable to the extended Limits for the Supply of Water by the Local Board under this Act as if such extended Limits had been Part of the Limits comprised in the Act of 1858. Provisions of Act of 1858 to apply to extended Limits.
- 10.** For the Purpose of the Town Hall or other Building by this Act authorized to be built by the Local Board, and for carrying this Act into execution so far as relates thereto, the Board may from Time to Time enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Book of Reference as they from Time to Time think expedient. Power to take Lands.
- 11.** The Powers of the Board for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchases limited.
- 12.** Subject to the Provisions of this Act, the Board may build and maintain a Town Hall or other Building for the Use of the Town of *Merthyr Tydfil* and of the Local Board, and for public Purposes, on the Power to erect a Town Hall.

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the Lands shown on the deposited Plans and specified on the deposited Books of Reference, or on any other Lands which may be acquired by the Local Board under this Act.

Provision as to Sale or Demise of superfluous Lands.

13. The prescribed Period for the Sale of Lands acquired by the Local Board under the Provisions of this Act, but which shall not be required for the Purposes thereof, shall be Ten Years from the passing of this Act; and the Local Board may from Time to Time within such Period of Ten Years demise all or any Part of the said Lands for such Terms, and at such Rents, and subject to such Covenants and Conditions as they may think expedient with reference to the special Circumstances of each Demise.

Purchase of Land by Agreement.

14. For the Purpose of the Town Hall or other Building authorized by this Act, the Local Board, in addition to the Lands which they are hereby authorized to purchase by Compulsion, may from Time to Time purchase by Agreement any Quantity of Land not exceeding in the whole Half an Acre.

Waterworks Account.

15. All Receipts, Credits, Payments, and Liabilities in and about the Supply of Water under the Powers of this Act, and from or on account of the Rates for Water supplied under this Act, shall be carried to and form Part of "The Waterworks Account" under the Act of 1858, and shall be subject to the same Provisions as that Account is subject to under the same Act.

Power to Local Board to borrow Money for Purposes of this Act.

16. The Local Board, in addition to any other Sums which they may borrow under the Powers of the Public Health Acts, or the Act of 1858, or this Act, may from Time to Time under the Authority of this Act borrow at Interest,—

For the Purpose of supplying Water under the Powers of this Act, such Sums as they think necessary, not exceeding Two thousand five hundred Pounds, on the Security of the Water Rates and Charges for Water to be supplied under the Act of 1858 and this Act, and on the Security of the General District Rates;

For the Purpose of building and maintaining a Town Hall or other Building under the Powers of this Act, such Sums as they think necessary, not exceeding in the whole Ten thousand Pounds, on the Security of the General District Rates;

And may secure the Repayment of all such Sums, with Interest, by Mortgage accordingly.

General District Rates and Esti-

17. After any Money shall have been borrowed under the Powers of this Act, the Amount of the General District Rates and of the Estimates

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Estimates to be prepared of the Money required for the Purposes of the General District Rates shall respectively include all Sums required for Payment of any Monies from Time to Time due or accruing due upon or in respect of such Mortgages, and the Sinking Fund to be set apart in accordance with the Provisions of this Act and the Public Health Acts.

mates to include Sums payable thereout under this Act.

18. As between the Waterworks Account and the General District Rate, the Water Rates and Charges under this Act shall be primarily liable to be applied in satisfaction of all Monies borrowed for the Purpose of supplying Water under the Powers of this Act and the Interest thereon, and in setting apart such Sinking Fund as provided by the Act of 1858; and all Sums paid out of the General District Rate for the Purpose of supplying Water under the Powers of this Act shall from Time to Time be reimbursed and repaid out of any Balance from Time to Time standing to the Credit of the Waterworks Account after Application to the Objects to which Monies carried to that Account are under the Provisions of this Act to be firstly, secondly, thirdly, fourthly, and fifthly applied; but nothing herein contained shall prejudice the Security of any Person or Corporation lending Money to the Local Board under the Powers of this Act, and every such Person and Corporation may enforce all his or their Rights and Remedies as if this present Section had not been inserted in this Act.

Waterworks Account to be primarily liable.

19. Provided always, That if and so long as any Money shall be due from the Waterworks Account in respect of Monies paid out of the General District Rates, the Local Board shall levy the full Amount of the Rates for Supply of Water by this Act authorized.

Rates not to be reduced under certain Circumstances.

20. The Local Board may from Time to Time reborrow any Amount from Time to Time paid off by them, unless it be paid off by means of the Sinking Fund to be set apart out of the Water Rates under this Act, in which Case, and to the Extent of the Amount so paid off, their Powers of borrowing and reborrowing shall cease.

Power to reborrow.

21. Any Mortgage under this Act and any Transfer of any such Mortgage may be made according to the respective Forms of Mortgage and Transfer authorized by "The Public Health Act, 1848," with such Modifications thereof as may render them applicable to the Purposes of this Act, and the Clauses and Provisions of that Act relative to Mortgages and the Rights of Mortgagees, to borrowing Money to pay off existing Mortgages, to Registers and Registration of Mortgages and Transfers, to Payment of Interest, to the Appropriation, Investment, and Application of the Sinking Fund, and to the Appoint-

Form of Mortgage, &c.

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ment of a Receiver, shall (except in so far as those Clauses and Provisions limit the Purposes for which Money is to be borrowed, and the Amount to be borrowed, or are otherwise inconsistent with this Act,) extend and apply to Mortgages under this Act, and to Monies borrowed and Mortgages and Transfers made under the Powers of this Act: Provided always, that the Balance (if any) of the Sinking Fund to be set apart out of the Water Rates under this Act which may remain after the Discharge of all Mortgages to which that Fund is applicable shall be applied, first, to the Repayment of any Sums advanced for the Purposes of this Act out of the General District Rates, and not previously repaid, and, secondly, to the Restoration and Improvement of the Works by this Act authorized.

Certain
Restrictions
not to apply.

22. Provided always, That the Powers of borrowing Money by this Act given shall not be restricted in Amount by any of the Provisions of the Public Health Acts, and in calculating the Amount which the Local Board may borrow under the Public Health Acts any Sums which they may borrow under this Act shall not be reckoned.

Application
of Receipts
of Board.

23. All Monies which shall be received by the Local Board under the Powers of this Act (other than Sums raised by the Local Board as Part of the General District Rates, and Sums raised by the Local Board by Mortgage,) shall be applied as follows; (that is to say,)

First, in paying the Costs, Charges, and Expenses attending or incident to the applying for and passing of this Act:

Secondly, in paying the Interest from Time to Time due upon the said Sum of Two thousand five hundred Pounds, or any Part thereof, borrowed by the Local Board under the Powers of this Act, and for the Time being remaining due:

Thirdly, in constructing the Works for the Supply of Water under the Powers of this Act:

Fourthly, in setting apart and appropriating the Sinking Fund for Payment of Mortgages for securing the said Sum of Two thousand five hundred Pounds, or any Part thereof:

Fifthly, in maintaining and extending the Works for the Supply of Water from Time to Time, as Occasion shall require, and carrying this Act into execution:

Sixthly, in repaying any Monies advanced out of the General District Rates for the Purposes of Water Supply under the Powers of this Act, and not previously repaid:

Seventhly, in paying off the said Sum of Two thousand five hundred Pounds, or any Part thereof, borrowed by the Local Board under the Powers of this Act, and for the Time being remaining due:

And

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And all Sums raised under this Act by the Local Board as Part of the General District Rates may be applied to all or any of the Purposes secondly, fourthly, fifthly, sixthly, and seventhly herein-before specified; and all Sums raised under this Act by the Local Board by Mortgage may be applied to all or any of the Purposes firstly and thirdly herein-before specified.

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