

[3 EDW. 7.] *Merthyr Tydfil Urban District Council* [Ch. cxiv.]
Act, 1903.



CHAPTER cxiv.

An Act to empower the urban district council of Merthyr Tydfil to construct additional waterworks and a street improvement and to make further and better provision for the good government health and improvement of the district and for other purposes. [21st July 1903.] A.D. 1903.

WHEREAS the urban district of Merthyr Tydfil is co-extensive with the parish of Merthyr Tydfil in the county of Glamorgan and is governed for local and sanitary purposes by the urban district council for that district (in this Act referred to as "the Council"):

And whereas the Council are the owners of the waterworks which supply water within the water limits of the Council being the whole of the urban district of Merthyr Tydfil and part of the parish of Vaynor in the county of Brecon as defined by section 5 of the Merthyr Tydfil District Council Waterworks Act 1895 (hereinafter called "the Water Act of 1895"):

And whereas the supply of water from the existing reservoirs and works of the Council is inadequate to meet the growing demands of the inhabitants within the limits of supply and it is expedient that the Council be empowered to construct the additional waterworks in this Act described or referred to and that further provision be made as in this Act contained in regard to the water undertaking of the Council:

And whereas it is expedient that the limits within which the Council may supply water as defined by the Water Act of 1895 should be extended so as to include the whole of the parish of Vaynor in the county of Brecon:

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And whereas it is expedient to empower the Council to acquire land for the purposes of a free library :

And whereas it is expedient to empower the Council to acquire land for cemetery purposes and also to confer upon the Council such powers in relation thereto as are hereinafter set forth :

And whereas there are certain lands in the district known as Senghenydd Common and it is expedient that the Council should be empowered to acquire a portion of such lands and to exercise in regard thereto the powers contained in this Act :

And whereas the population of the district is over seventy thousand and the gross rateable value is upwards of two hundred and sixty-five thousand pounds :

And whereas further powers are required by the Council for the regulation of streets and buildings for the prevention of the spread of infectious diseases for the suppression of nuisances and in relation to sanitary matters generally :

And whereas it is expedient to make such other provisions as this Act contains for the good government and order of the district :

And whereas it is expedient to authorise the Council to borrow such sums as may be required for the purposes of this Act :

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

And whereas estimates have been prepared by the Council for the purchase of lands and for the execution of the works authorised by this Act and such estimates are as follows :—

For waterworks including lands shown upon the deposited plans eighty-four thousand pounds ;

For extension and improvement of the waterworks including the construction of filter beds eighteen thousand pounds ;

For the purchase of lands for cemetery purposes five thousand seven hundred pounds :

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

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-second day of October one thousand nine hundred and two after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the *Merthyr Express* a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense

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in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the district: A.D. 1903.

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

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

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

And whereas plans of the reservoirs and works authorised by this Act and of the lands which the Council may acquire under this Act and sections of the said works and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken compulsorily for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Glamorgan and with the clerk of the peace for the county of Brecon which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

I.—PRELIMINARY.

1. This Act may be cited as the Merthyr Tydfil Urban District Council Act 1903. Short title.

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

Part I.—Preliminary.

Part II.—Waterworks.

Part III.—Supply of water.

Part IV.—Acquisition of lands.

Part V.—Finance.

Act divided
into Parts.

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- Part VI.—New streets and buildings.
- Part VII.—Obstructions and advertisements.
- Part VIII.—Hackney carriages.
- Part IX.—Sanitary.
- Part X.—Infectious diseases.
- Part XI.—Recreation grounds.
- Part XII.—Miscellaneous.

Provisions
of certain
general Acts
incorporated.

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

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

The Waterworks Clauses Act 1847 (except sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts) but that Act shall be read and have effect as if the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” were omitted from section 44 :

The Waterworks Clauses Act 1863 :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoirs road and widenings of road by this Act authorised.

Interpreta-
tion.

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

“The undertakers” or “the company” means the Council ;

“The railway” means the reservoirs and aqueducts and other works by this Act authorised to be constructed ;

“Centre of the railway” means with respect to the reservoirs by this Act authorised to be constructed the boundaries of those reservoirs :

And in this Act unless the context otherwise requires—

“The district” means the urban district of Merthyr Tydfil ;

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

“The clerk” “the medical officer of health” and “the surveyor” mean respectively the clerk the medical officer of health and the surveyor for the district and respectively include any person duly authorised to discharge temporarily the duties of those offices; A.D. 1903.

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 applies for the time being within the district;

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

Words and expressions to which meanings are assigned by the Public Health Act 1875 and the Public Health Acts Amendment Act 1890 have in this Act the same respective meanings.

II.—WATERWORKS.

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

(1) An Aqueduct (No. 1) consisting of one or more lines of pipes commencing by a junction with the southern end of the existing water main leading from the Upper Neuadd Reservoir of the Merthyr Tydfil Urban District Council in the parish of Llanfrynach in the county of Brecon and terminating at or in the intended Pen-y-garn-ddu Service Reservoir (Work No. 2 hereinafter described) in the urban district and parish of Merthyr Tydfil in the county of Glamorgan such aqueduct being situate in the parishes of Llanfrynach Llanfeigan Llandetty and Vaynor in the county of Brecon and in the urban district and parish of Merthyr Tydfil in the county of Glamorgan:

(2) A reservoir or tank to be called the “Pen-y-garn-ddu Service Reservoir” situate in the urban district and parish of Merthyr Tydfil in the county of Glamorgan on and in the common known as Merthyr Common at a distance of 21 chains or thereabouts in a north-easterly direction from Saint Michael’s Church Pen-y-garn-ddu shown on the 25-inch Ordnance map of Glamorgan sheet No. VI. 14 published in 1900:

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- (3) An Aqueduct (No. 2) consisting of one or more lines of pipes wholly in the urban district and parish of Merthyr Tydfil commencing at or in the intended Pen-y-garn-ddu Service Reservoir aforesaid (Work No. 2) and terminating at or in the intended Mynydd-y-Capel Balancing Tank (Work No. 4 hereinafter described):
- (4) A tank to be called the Mynydd-y-Capel Balancing Tank situate wholly in the urban district and parish of Merthyr Tydfil at a distance of 32 chains or thereabouts measured in an easterly direction from the public-house known as the Windsor Hotel in Merthyr Vale marked upon the 25-inch Ordnance map of Glamorgan sheet No. XIX. 2 published in 1900 and 37 chains or thereabouts measured in a north-westerly direction from the farm buildings known as Fforest marked upon sheet No. XIX. 7 of the last aforesaid Ordnance map:
- (5) An Aqueduct (No. 3) consisting of one or more lines of pipes wholly in the urban district and parish of Merthyr Tydfil commencing at or in the aforesaid tank (Work No. 4) and terminating at the southern boundary of the Merthyr Tydfil district 7 chains or thereabouts measured in a south-easterly direction from the dwelling-house known as Penlan House and marked upon the aforesaid 25-inch Ordnance map sheet No. XIX. 15 published in 1900:
- (6) An Aqueduct (No. 4) consisting of one or more lines of pipes situate wholly in the urban district and parish of Merthyr Tydfil commencing at or in the aforesaid intended Pen-y-garn-ddu Service Reservoir (Work No. 2) and terminating at or in the pond or reservoir of Messrs. Guest Keen and Company Limited marked 281 upon the aforesaid 25-inch Ordnance map sheet No. VI. 14 published in 1900:
- (7) An Aqueduct (No. 5) situate wholly in the urban district and parish of Merthyr Tydfil consisting of one or more lines of pipes commencing at or in the aforesaid Mynydd-y-Capel Tank (Work No. 4) and terminating at or in the intended Mynydd-y-Capel Service Reservoir (Work No. 8) hereinafter described:
- (8) A reservoir or tank to be called the Mynydd-y-Capel Service Reservoir situate wholly in the urban district and parish of Merthyr Tydfil at a distance of 39 chains or thereabouts measured in an easterly direction from the public-house known as the Windsor Hotel in Merthyr Vale

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marked upon the aforesaid Ordnance map sheet No. XIX. 2 and 32 chains or thereabouts measured in a north-westerly direction from the farm buildings known as Fforest marked upon sheet No. XIX. 7 of the last aforesaid Ordnance map published in 1900 : A.D. 1903:

- (9) A road situate wholly in the urban district and parish of Merthyr Tydfil commencing by a junction with the existing road leading from the Dowlais Top Railway Station of the Brecon and Merthyr Railway to Pen-y-garn-ddu at a point $23\frac{1}{2}$ chains or thereabouts measured in a north-westerly direction from the aforesaid Dowlais Top Railway Station and terminating at the aforesaid Pen-y-garn-ddu Service Reservoir (Work No. 2) :
- (10) A Widening (No. 1) of the road between Merthyr Tydfil and the aforesaid Lower Neuadd Reservoir situate wholly in the parish of Llanfeigan and county of Brecon commencing at a point 17 chains or thereabouts north-west of the bridge over the River Taff Fechan near Ty'n-y-Waen marked upon the 25-inch Ordnance map of Brecon sheet No. XL. 9 published in 1887 and terminating at a point 15 chains or thereabouts north-west of the aforesaid bridge :
- (11) A Widening (No. 2) of the last aforesaid road situate wholly in the parishes of Llanfeigan and Llandetty and county of Brecon commencing at a point 13 chains or thereabouts measured in a northerly direction from the farm known as Pentre-wernen and marked upon the last aforesaid Ordnance map sheet No. XL. 13 and terminating at a point 2 chains or thereabouts measured in a southerly direction from the last aforesaid farmhouse :
- (12) A Widening (No. 3) of the last aforesaid road situate wholly in the parish of Llandetty and county of Brecon commencing at a point 14 chains or thereabouts measured in a north-westerly direction from the building known as the Pentwyn Inn marked upon the last aforesaid Ordnance sheet and terminating at a point 6 chains or thereabouts south of the aforesaid Pentwyn Inn :
- (13) An aqueduct conduit or line of pipes situate in the parishes of Llanfeigan and Llandetty in the county of Brecon commencing in the enclosure numbered 135 on the Ordnance map of the aforesaid parish of Llanfeigan sheet No. XL. 9 scale $\frac{1}{2500}$ published in the year 1887 at the intake from the River Taff Fechan and terminating

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in the aforesaid parish of Llandetty by a connection with the existing line of pipes in the enclosure numbered 305 on the Ordnance map of the aforesaid parish of Llandetty sheet No. XL. 13 scale $\frac{1}{2500}$ published in the year 1887.

Subsidiary works.

6. The Council may in connection with the waterworks by this Act authorised construct and maintain all proper dams walls embankments filters filter beds overflows shafts tunnels adits aqueducts culverts cuts sluices watercourses weirs washouts meters gauges manholes rails sidings bridges engines machinery channels conduits mains pipes standpipes junctions valves drains telegraphs telephones apparatus roadways approaches fences buildings works and conveniences connected with or ancillary to the said works or any of them or necessary or convenient for inspecting maintaining enlarging repairing cleansing conducting managing working and using the same or required for the purposes of the water undertaking of the Council :

Provided that no telegraphic or telephonic apparatus made and maintained under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Stopping up of footpaths or roads.

7. Subject to the provisions of this Act the Council may on the site of any of the intended works stop up and discontinue for public use any footpath or cart or carriage road and upon the stopping up and discontinuance of the same respectively the sites and soil thereof respectively shall be by this Act vested in the Council so far as they are the owners of the adjoining lands on both sides freed from all public rights over or affecting the same Provided that the Council shall not stop up or discontinue any footpath or cart or carriage road until they shall have completed and opened to the public a commodious footpath or cart or carriage road to be substituted in lieu thereof and shall have obtained and deposited with the clerk of the peace for the county within which such footpath or cart or carriage road is situated the certificate of two justices that such substituted footpath or cart or carriage road is duly completed.

Power to deviate.

8. In constructing the works by this Part of this Act authorised the Council may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate

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from the levels shown on the deposited sections to any extent not exceeding four feet upwards and to any extent downwards Provided that if it be found necessary or expedient in the construction of the reservoirs by this Act authorised to alter the situation of any dam or embankment the Council shall not construct such dam or embankment of a greater maximum height above the general surface of the ground than three feet above the maximum height thereof shown on the deposited sections and that no part of the aqueducts by this Act authorised shall be constructed above the surface of the ground except so far as is shown on the deposited sections.

9. For the purpose of executing any necessary work of repair or of cleansing or of examining any aqueduct conduit or line of pipes by this Act authorised the Council may cause the water in any such aqueduct conduit or line of pipes to be temporarily discharged into any available stream or watercourse.

Powers for repairs of aqueducts and temporary discharge of water into streams.

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

10. Subject to the provisions of this Act the waterworks by this Act authorised and the land and easements acquired by the Council for the purpose of or in connection with such waterworks shall for all purposes form part of the water undertaking of the Council and the Council may use the same for the supply of water and may demand and recover rates rents and charges in respect of water so supplied as provided by the Water Act of 1895 and the provisions of the Water Act of 1895 and any other statutory provisions in force with respect to the existing water undertaking of the Council shall so far as the same are applicable and are not inconsistent with or varied by the provisions of this Act be deemed to extend and apply to the works matters and things to be constructed or done under the powers of this Act.

Existing waterworks of Council and works authorised by this Act to form one undertaking.

11.—(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 use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

Council may make byelaws for securing purity of water.

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

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

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

Application
of provisions
of Public
Health Acts
as to water-
works.

12.—(1) Subject to the provisions of this Act the Council may for the purposes of their water undertaking construct lay down erect and maintain such conduits mains pipes culverts sluices wells tanks cisterns engines machinery buildings works and conveniences as they may from time to time deem necessary.

(2) The Council shall in carrying out the provisions of subsection (1) of this section have the powers of a local authority under section 54 of the Public Health Act 1875 in respect to the carrying of water mains within and without their district and for the purposes of that section the parishes of Merthyr Tydfil and Vaynor shall be deemed to be the district of the Council.

(3) In the exercise of the powers of this section the Council shall be subject to the provisions so far as they are applicable of the Public Health Acts in the same manner and to the same extent as if such powers were conferred by those Acts.

Period for
completion
of works.

13. If the additional works authorised by this Part of this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much as shall then be completed.

III.—SUPPLY OF WATER.

Extension of
limits of
supply.

14. The limits for the supply of water by the Council are hereby extended so as to include the existing limits as defined by section 5 of the Water Act of 1895 and also that part of the parish

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of Vaynor in the county of Brecon which is outside the existing parliamentary borough of Merthyr Tydfil (in this Act referred to as "the extended limits") and for the purposes of such supply and subject to the provisions of this Act the Council shall have and may exercise within the extended limits all the powers rights privileges and authorities which subject to the provisions of this Act they have and may exercise within the existing limits Section 28 of the Water Act of 1895 shall apply to the extended limits as defined in this section.

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15. If at any time after the expiration of five years from the commencement of this Act the Council are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Council as if in either case this Act had not been passed.

Power to local authority &c. to supply water in case Council fails to supply.

If any difference shall arise between the Council and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Local Government Board.

16. The water supplied by the Council need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is immediately given.

Limit of pressure.

17.—(1) The Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or any hospital or large public institution other than a workhouse.

Supply by meter in certain cases.

(2) The Council shall not charge a higher rate than one shilling per thousand gallons for any supply by meter under this section.

(3) Where the Council refuse to supply with water any building referred to in this section otherwise than by measure they shall on the application of the occupier of such building supply the

A.D. 1903. same with sufficient water for domestic purposes at a rate not exceeding one shilling for every thousand gallons and the moneys payable to the Council under this section shall be recoverable in the same manner as rates due to the Council for water. Provided that the Council shall not be compelled to afford to any premises a supply of water by measure for a less sum in any one quarter of a year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure.

Entry on premises to cut off pipes after notice given.

18. In all cases in which any premises which shall have been supplied with water by the Council shall have become unoccupied for a space of seven days the Council their agents and workmen after giving seven days' previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Council after inquiry by affixing the same for seven days on some conspicuous part of such premises may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the Council shall be conveyed to such premises and may remove any pipe meter fittings or apparatus the property of the Council repairing and making good all damage that may be done by reason of such removal.

Council not bound to supply several houses by one pipe.

19. The Council shall not be bound to supply more than one house 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 to each house supplied by them with water.

Entry into buildings to inspect fittings.

20. Any person duly appointed for the purpose by the Council and exhibiting his appointment if required to do so may between the hours of nine in the forenoon and five in the afternoon enter any building or place supplied with water or about to be supplied with water by the Council and inspect the meters pipes valves ferrules cocks cisterns soil-pans baths waterclosets taps fittings and other apparatus and receptacles for conveying delivering and receiving water and the mode of arrangement thereof and see whether they are in good repair and if such person at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence be liable to a penalty not exceeding forty shillings.

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

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Contracts for
supplying
water in
bulk.

IV.—ACQUISITION OF LANDS.

22. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands delineated on the deposited plans within the limits of deviation and described in the deposited book of reference for the purposes of the additional waterworks by this Act authorised.

Power to
acquire
lands.

23. The Council may acquire compulsorily or by agreement and build upon take and use for the purposes of a free library at Aberfan in the parish of Merthyr Tydfil in the county of Glamorgan the lands delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to
take land for
free library.

A piece of land situated in the parish of Merthyr Tydfil bounded on the north by Bridge Street on the east by the River Taff on the west by the Aberfan Estate and on the south by the Aberfan Estate.

24. The Council may acquire compulsorily or by agreement and may build upon take and use for cemetery purposes the lands delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to
take land for
cemetery
purposes.

A piece of land situated in the parish of Penderyn in the county of Brecon bounded on the north by the Penmaillord Estate on the east by the River Taff Fowr and a portion of the Penmaillord Estate and on the west and south by the Penmaillord Estate.

25. The Council for the purposes of the waterworks by this Act authorised may enter upon take and use such parts only of the common lands delineated upon the deposited plans and described in the deposited book of reference being a portion of

Power to
take common
lands.

A.D. 1903. Senghenydd Common (marked on the Ordnance map of that parish as Merthyr Common) as may be necessary for the construction of the work hereby authorised and described as the Pen-y-garn-ddu Service Reservoir and the necessary filter-beds and works connected therewith and may take all such easements over or under such common lands as may be required for the purposes of this Act subject to the provisions as to compensation provided by the Lands Clauses Acts as incorporated in this Act.

Power to hold lands for protection of waterworks.

26. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachments or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking or the occupation of the land for agricultural purposes.

Power to acquire easements only for aqueducts.

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

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

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(3) Provided also that (except as to land forming part of a street) nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision. A.D. 1903.

28. The powers of the Council for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

29. The Council on selling leasing or disposing of any lands acquired for or in connection with their water undertaking and not required for the purpose thereof may reserve to themselves any rights easements or privileges in over or affecting such lands and may make the sale lease or disposition subject to such reservations accordingly and may also make any such sale lease or disposition subject to such other reservations special conditions restrictions and provisions with respect to use or protection of water exercise of noxious or other trades or occupations or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. Reservation of water rights &c. on sale.

30. The Council in addition to any lands which they are by this Act authorised to acquire may by agreement purchase take on lease acquire and hold for the purposes of their water undertaking any lands and any easements or rights (except rights of water in which persons other than the grantors have an interest) over or in respect of lands which the Council may deem necessary for those purposes Provided that the Council shall not under the powers of this section hold at any time more than thirty acres of land and that they shall not create or permit the creation or continuance of any nuisance on any such lands or buildings. Power to purchase additional lands by agreement

31. The Council shall not under the powers of this Act purchase or acquire in any borough or other urban district and elsewhere than in any borough or urban district in any parish ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

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If the Council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

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

Power to
sell lands.

32. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Council may sell lease and dispose of any lands acquired by them under this Act and not for the time being required for the purposes thereof.

Persons
under dis-
ability may
grant ease-
ments &c.

33. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may
be required
to sell parts
only of cer-
tain lands
and build-
ings.

34. Whereas in the construction of the reservoirs and new road and works connected therewith by this Act authorised it may happen that portions only of certain lands buildings and property shown on the deposited plans and described in the Schedule to this Act will be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in such lands buildings or property

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whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without material detriment thereto be required to sell and convey to the Council the portions only of the properties so required without the Council being obliged or compellable to purchase the whole or any greater portion thereof the Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise.

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35. Notwithstanding anything in this Act contained the Council shall not construct any aqueduct or other work for taking or which may have the effect of taking any water of the River Taff Fechan or any tributary thereof from any point below the gauge or gauges referred to in the second article of the agreement dated the 31st day of July 1893 forming the schedule to the Water Act of 1895 other than the aqueduct conduit or line of pipes referred to in section 5 (13) of this Act which aqueduct conduit or line of pipes shall be constructed and maintained so as to connect with the existing 14-inch line of pipes being the existing line of pipes in section 5 (13) of this Act referred to at the point of termination therein mentioned and not otherwise to the intent that no such water as aforesaid shall be taken other than such as shall be passed into and flow through the said 14-inch line of pipes.

For protection of riparian owners.

Nothing in this Act contained shall in any way prejudice or affect any of the provisions of the said agreement as the same was confirmed with certain modifications by section 14 of the said Water Act.

36. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the North Western Company") shall unless otherwise agreed between the North Western Company and the Council have full force and be binding on the Council:—

For protection of London and North Western Railway Company.

- (1) In carrying the Aqueduct (No. 2) (hereinafter referred to as "the said aqueduct") under the Dowlais Extension Railway and alongside the Cwm Bargoed Branch of the North Western Company and in laying down any other mains or pipes or in executing any other works under or in exercise of the powers conferred by this Act across in close proximity to or in any way affecting the railways

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works lands or property belonging to or used or occupied by the North Western Company as also in effecting the maintenance repairs and renewals of the said aqueduct or any other mains pipes or other works the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the principal engineer of the North Western Company and in such position as he shall approve and before commencing any such works the Council shall deliver to the said principal engineer plans sections and specifications of the works proposed to be executed and such plans sections and specifications shall be delivered at least fourteen days before the commencement of any such works and if at the expiration of fourteen days from such delivery the plans sections and specifications shall not be approved by the said principal engineer there shall be deemed to be a difference which difference shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned and all such works shall be executed by and in all things at the expense of the Council who shall also restore and make good the roads over any bridges level-crossings and approaches which the North Western Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council and so as not to cause any injury to the said railways bridges level-crossings approaches works lands or property or interruption to the passage or conduct of the traffic over the said railways and if any injury shall arise to the said railways bridges level-crossings approaches works lands or property or interruption to such traffic the Council shall make full compensation to the North Western Company in respect of such injury or interruption such compensation unless agreed upon to be determined by arbitration in manner hereinafter provided :

- (2) Except in the road passing under the Dowlais Extension Railway 170 yards or thereabouts south-east of the centre of the platform of the High Street Dowlais Station the said aqueduct shall not at any point cross the lines of the North Western Company and in the event of the Corporation constructing the said aqueduct under the Dowlais Extension Railway as aforesaid at a lower level than the foundations of the bridge carrying the said railway over the said road the Corporation shall execute such underpinning of that bridge as shall be required by the said principal engineer :

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(3) The Council shall at all times maintain the said aqueduct and all other mains pipes and other works in connection therewith where the same are carried under or alongside the railways works or property of the North Western Company in substantial repair and good order and condition to the reasonable satisfaction of the said principal engineer and if and whenever the Council fail so to do the North Western Company may after giving fourteen days' notice thereof to the Council or in case of emergency without notice make and do all such works and things as may be reasonably requisite on that behalf and the sum from time to time certified by the said principal engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Council : A.D. 1903.

(4) If by reason of any works or proceedings of the Council or of their contractors or of their workmen or of the failure bursting or leakage of the said aqueduct or of any other mains pipes or works of the Council the said railways or any of the works or lands thereof shall be damaged or injured such injury or damage shall be forthwith made good by the Council at their expense and to the reasonable satisfaction of such principal engineer and in the event of their failing so to do after the North Western Company have given fourteen days' notice or in case of emergency without notice the North Western Company may make good the same and recover the reasonable expense thereof from the Council and if any interruption shall be caused to the traffic on the said railways by reason of any of the works of the Council or of any such failure bursting or leakage as aforesaid the Council shall make good and repay to the North Western Company any loss damage or expense which they may sustain or be put to by reason of the construction or failure bursting or leakage of the said aqueduct or of any other of the said mains pipes or works or in respect of such interruption the amount of any such loss damage or expense unless agreed to be determined by arbitration in manner hereinafter provided :

(5) The Council shall not without the consent in writing of the North Western Company under their common seal purchase take enter upon or use temporarily or permanently any lands property or works of the North Western Company or any estate right easement privilege or authority in over

A.D. 1903.

or upon the same respectively or alter vary or interfere with the said railways or any of the respective works thereof or thereto appertaining except that the Council may purchase and the North Western Company may and shall sell and grant to the Council such easement or right as may be necessary for carrying the said aqueduct under and along their said railways according to the provisions hereinbefore prescribed and for repairing maintaining and renewing the same and the works thereof at such crossings and along their said railway The amounts to be paid for the acquisition of such easement shall be ascertained in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement and the easement or right so to be taken shall be deemed to be land so far as respects the proceedings for the acquisition thereof and also for the purpose of any arbitration :

- (6) If and whenever the North Western Company shall require to widen their Cwm Bargoed Branch Railway and it shall be found necessary in the opinion of such principal engineer in connection with such widening to alter the said aqueduct alongside the said branch the same shall be altered and executed by and at the expense of the Council and in all respects subject to the terms and conditions set forth in this section which provide for the construction and maintenance of the said aqueduct :
- (7) The Council shall bear and on demand pay to the North Western Company the reasonable expense of the employment by them during the making or maintenance of the said aqueduct under and along their said railways of a sufficient number of inspectors signalmen or watchmen for watching the said railways and works and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said intended works and for preventing so far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Council with reference thereto :
- (8) If any difference shall arise between the North Western Company and the Council with reference to any of the matters provided for by this section (except by subsection 5 of this section) such difference shall be determined by an

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arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party. A.D. 1903.

37. For the protection of the Marquess of Bute (hereinafter referred to as "the marquess") which expression shall when used in this section include his heirs and assigns the following provisions shall have effect except so far as may be otherwise agreed between the Council and the marquess (viz.) :—

For protection of Marquess of Bute.

- (1) Except as in this section otherwise provided the Council shall not for the purposes of or under the powers of this Act acquire otherwise than by agreement any lands of the marquess (whether common or waste lands belonging to the marquess as lord of the manor or lordship of Senghenydd or otherwise) nor shall they enter upon or use temporarily or permanently or interfere with any such lands otherwise than may be necessary for the construction therein or thereon of the works by this Act expressly authorised and with respect to any lands of the marquess which it may be necessary to use enter upon or interfere with for the construction of such works as are hereby expressly authorised the Council shall not except as aforesaid purchase or take any greater or other estate or interest in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Council might purchase and take the same and the provisions of this Act and of the Acts incorporated with this Act shall be construed and apply accordingly and the provisions of the Lands Clauses Acts with respect to lands shall apply to such easement or right of using so far as such provisions are not inconsistent with this enactment. Provided always that notwithstanding such user and the purchase of any such easement as aforesaid by the Council it shall be lawful for the marquess and persons authorised or permitted by the marquess to use the lands through on or under or with respect to which any such easement shall be acquired for building or any other purpose whatever not involving physical interference with any work of the Council constructed under the powers of this Act. Provided also that any injury or damage caused by subsidence or otherwise through working any mines or minerals thereunder or under adjacent lands shall not be deemed physical interference within the meaning of this enactment but that the marquess and persons authorised or permitted by the marquess shall

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be at liberty to work such mines and minerals without liability in respect of any injury thereby occasioned to any works of the Council:

- (2) Notwithstanding anything in this section contained it shall be lawful for the Council to purchase and take subject to the provisions of this Act and the Acts incorporated herewith as to the purchase of lands otherwise than by agreement such land of the marquess as may be necessary for the construction of the work hereby authorised and described as the Pen-y-garn-ddu Service Reservoir and the necessary filter beds and works connected therewith but no further or other land although within the limits of deviation shown on the deposited plans in connection with that work so that the same reservoir shall not be constructed of any greater dimensions than shown on the deposited plans and with regard to the said service reservoir and works and the lands acquired for the construction thereof the provisions of this section as to user of the same shall not be applicable:
- (3) Notwithstanding anything in this Act contained the Council shall not construct any work in upon under or through any land of the marquess except such works as are expressly authorised by this Act and delineated or described in the deposited plans and sections or such as they may be authorised to construct under any public general Act:
- (4) The Council shall not acquire any easement over or with respect to any land of the marquess after the expiration of five years from the passing of this Act:
- (5) If any difference shall arise between the Council and the marquess whether as to the quantity of land required for the construction of the Pen-y-garn-ddu Service Reservoir and works or otherwise in respect of anything in this section contained the same shall be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers in London.

For pro-
tection of
Cardiff
Corporation.

38. For the protection of the mayor aldermen and burgesses of the county borough of Cardiff (in this section called "the corporation") the following provisions shall have effect (that is to say):—

- (1) The Council shall not enter upon or interfere with the railway or works of the corporation or any of the lands or works of or leased to or vested in the corporation or execute

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any works whatever under over or affecting the same until the Council shall have delivered to the corporation plans sections and specifications of such intended works and those plans sections and specifications shall have been approved in writing by the waterworks engineer for the time being of the corporation or if he shall have failed for twenty-eight days after delivery of the plans sections and specifications to approve the same or in case of his disapproval thereof within the said twenty-eight days until the same shall have been approved by an engineer to be appointed on the application of the Council by the President of the Institution of Civil Engineers and all the intended works shall be executed by the Council at their sole expense in all things according to such approved plans sections and specifications and to the reasonable satisfaction of the said waterworks engineer of the corporation or in case of difference of an engineer to be appointed on the application of the Council or the corporation by the President of the Institution of Civil Engineers :

- (2) Should it be necessary in consequence of the construction of any of the works by this Act authorised for the corporation to alter or remove any telegraph or telephone posts and wires on or connected with their said railway at or near the said works the Council shall bear and on demand pay to the corporation the expenses of and connected with such alteration and removal and of restoring the same to their former or placing them in a different position or substituting other telegraph or telephone posts or wires therefor :
- (3) Notwithstanding anything in this Act contained the Council shall from time to time be responsible for and make good to the corporation all losses costs damages and expenses which may be occasioned to them or to any of their works or property or to the traffic on their said railway or to any company or person lawfully using the same or otherwise during or in consequence of the execution or by reason of the failure of any of the intended works by this Act authorised or of any act default or omission of the Council or of any person in their employ or of their contractors or otherwise and the Council shall effectually indemnify and hold harmless the corporation from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (4) Notwithstanding anything in this Act contained the Council shall not acquire under the powers of this Act any part of

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the railway of the corporation and shall not acquire otherwise than by agreement any lands premises or other property of the corporation or any right or easement in over or affecting the said railway lands premises and property respectively :

- (5) If any difference shall arise between the Council and the corporation touching anything to be done or not to be done or any moneys to be paid under the provisions of this section such difference shall be settled by an engineer to be appointed unless otherwise agreed upon the application of either of the parties in difference by the President of the Institution of Civil Engineers.

For protection of
Brecon and
Merthyr
Tydfil
Junction
Railway
Company.

39. In executing the works by this Act authorised where the same will affect the railway works or property of the Brecon and Merthyr Tydfil Junction Railway Company (hereinafter called "the Brecon Company") the Council shall be subject to the following conditions :—

- (1) All works to be done by the Council in the exercise of the powers conferred by this Act in any way affecting the railway works and property of the Brecon Company shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer for the time being of that company and in such manner and according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section Provided that if for fourteen days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Council of his objections thereto he shall be deemed to have approved thereof :
- (2) Any works affecting the railway which the Council may execute under this section shall be so constructed as to cause no injury to the railway of the Brecon Company or interruption to the passage or conduct of traffic over the same and if in consequence of the execution of such works any injury be caused to the railway or any interruption be caused to the traffic the Council shall make full compensation to the Brecon Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration :
- (3) The Council shall bear and on demand pay to the Brecon Company the reasonable expense of the employment by that

company during the execution of any work affecting the railway of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Council and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors :

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(4) The Council shall acquire only such an easement across or under the railway lands and property of the Brecon Company as may be necessary for constructing or maintaining the works by this Act authorised and shall pay to the Brecon Company for such easement such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 :

(5) Any dispute or difference which may arise between the Brecon Company and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade on the application of the Brecon Company or the Council and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

40. For the benefit and protection of the Breconshire County Council (hereinafter in this section called "the Breconshire Council") and of the inhabitants collectively and individually of the county of Brecon the following provisions shall have effect (that is to say) :—

For pro-
tection of
Breconshire
County
Council.

(1) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply to and in the case of any works which the Council are by this Act authorised to construct or may for the purposes of their water undertaking construct or lay down under the powers by this Act conferred upon them which will be situate on in or under or affect any bridge belonging to or maintained by the Breconshire Council or any of the approaches thereto or any culverts or works connected therewith Provided that the plan to be approved by the Breconshire Council or their officer under such provisions shall be submitted to the Breconshire

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Council seven days before such works are commenced and no such works shall be commenced until such plans have been approved or settled in accordance with the aforesaid provisions. Provided also that if the Breconshire Council do not within the said period of seven days signify their approval or disapproval of such plan they shall be deemed to have approved the same:

- (2) Such works shall be constructed along such approach roads and bridges in such line and situation as the surveyor of the Breconshire Council shall direct and if required by him shall be carried under over or at the side of any such bridge in lieu of along the roadway thereof and the Council shall construct all such works and take all such precautions as may appear to the said surveyor to be necessary for the proper protection of such bridges approaches culverts and drains and for the protection and convenience of the public using such bridges and approaches. And in default of the Council so doing the said surveyor may cause to be done in that behalf such works matters and things as he may reasonably think necessary and may recover the cost thereof from the Council:
- (3) If any difference arise between the Council and the Breconshire Council under this section such difference shall be settled by an engineer to be appointed as arbitrator by the Board of Trade on the application of either of the parties in difference.

For protection of Great Western Railway Company and Great Western and Rhymney Railway Companies.

41. For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") and of the Great Western and Rhymney Railway Companies (hereinafter referred to as "the joint companies") the following provisions shall apply:—

- (1) Notwithstanding anything in this Act contained or shown upon the deposited plans and sections the Council shall not enter upon take or use any part of the railways works lands or property—
- (A) Of the Great Western Company except so far as may be necessary for carrying Aqueduct No. 3 over and across the Taff Vale Extension Railway;
- (B) Of the joint companies except so far as may be necessary for carrying the Aqueduct No. 2 under their Taff Bargoed Railway;

and the said aqueducts shall be constructed maintained altered or renewed as to Aqueduct No. 3 under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western Company and as to Aqueduct No. 2 under the superintendence and to the reasonable satisfaction of the engineer for the time being of the joint companies and only in accordance with plans and sections previously submitted to and reasonably approved by them respectively in writing Provided that if such engineer shall not have expressed his approval or disapproval of such plans within twenty-eight days after the same shall have been submitted to him he shall be deemed to have approved thereof:

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- (2) All such works and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the said railways works land and property of the Great Western Company and the joint companies respectively and so as to cause no interruption to the passage or conduct of traffic over such railways:
- (3) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works and matters aforesaid or the leakage or failure of the said aqueducts or works or either of them the Council shall make compensation to the Great Western Company or the joint companies as the case may be in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided:
- (4) The Council shall acquire only such an easement across over or under any of the railways works or property of the Great Western Company or of the joint companies as may be necessary for constructing or maintaining the said aqueducts or works of the Council and shall pay to the Great Western Company or the joint companies as the case may be for such easement such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of such arbitration:
- (5) If the Great Western Company or the joint companies at any time or times hereafter require of which they shall be

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the sole judges to construct any additional or other works upon their respective lands or railways or to alter or repair their respective railways or works upon across over or under which any of the works of the Council may have been constructed or laid the Great Western Company and the joint companies may on giving to the Council fourteen days' notice in writing under the hand of their secretary or general manager and in the case of emergency upon giving the longest notice practicable divert support or carry the said works of the Council across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works :

- (6) Except as in this section otherwise provided any dispute or difference which may arise between the Great Western Company or the joint companies and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (unless otherwise agreed) by the Board of Trade on the application of either party.

42. The following provisions for the protection of the London and North Western and the Brecon and Merthyr Tydfil Junction Railway Companies (hereinafter referred to as "the railway companies") shall be in force and have effect and be binding on the Council:—

In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter jointly owned or used or occupied by the railway companies or the bridges approaches viaducts stations or other works or any level-crossings of or repairable or used by the railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the engineer responsible for the time being for the maintenance of the railways and works jointly owned by the railway companies and only according to plans and sections to be submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at

For protection of London and North Western and Brecon and Merthyr Tydfil Junction Railway Companies.

the expense of the Council who also shall restore and make good the roads over any such bridges level-crossings and approaches which the railway companies are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operation of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level-crossings approaches or viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge or level-crossing the Council shall make compensation in respect thereof to the railway companies.

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V.—FINANCE.

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

Power to
borrow
money.

- (1) For the construction of the reservoirs aqueducts mains and other works authorised by this Act and purchase of lands therefor the sum of eighty-four thousand pounds :
- (2) For the extension and improvement of the waterworks including the construction of filter beds the sum of eighteen thousand pounds :
- (3) For the purchase of land for cemetery purposes the sum of five thousand seven hundred pounds :
- (4) For paying the costs and expenses of this Act as hereinafter provided the sum requisite for such purpose :

And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act.

In order to secure the repayment of the moneys borrowed for the waterworks purposes aforesaid and the payment of the interest thereon the Council may mortgage or charge the revenue of the water undertaking of the Council and in addition thereto the district fund and general district rate.

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Periods for
repayment
of money
borrowed.

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

As to moneys borrowed for the purposes (1) mentioned in the section of this Act the marginal note whereof is "Power to borrow money" within fifty years and for the purpose mentioned in (2) forty years from the passing of this Act:

As to moneys borrowed for the purpose (3) in the said section mentioned within sixty years from the date or dates of the borrowing of the same:

As to money borrowed for the purpose (4) in the said section mentioned within five years from the date or dates of the borrowing of the same:

As to moneys borrowed with the approval of the Local Government Board within such period as that Board may prescribe.

Mode of
payment off
of money
borrowed.

45. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them. Provided that it shall not be obligatory on the Council to commence the repayment (by sinking fund or otherwise) of any moneys borrowed under this Act for the purposes (1) and (2) mentioned in the section of this Act whereof the marginal note is "Power to borrow money" until the expiration of two years from the time of borrowing under this Act or three years from the passing of this Act whichever period shall first elapse.

Local Loans
Act and
certain pro-
visions of
Public
Health
Act made
applicable.

46. For the purpose of raising money under this Act the provisions of the Local Loans Act 1875 shall be available to the Council and sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed or re-borrowed on mortgage under the provisions of this Act. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Formation
maintenance
and appli-

47.—(1) Subject to the provisions of this Act if the Council determine to repay by means of a sinking fund any moneys

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borrowed under this Act such sinking fund shall be formed and maintained either— A.D. 1903:

- cation of
sinking fund.
- (A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or
- (B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

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

(3) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 but exclusive in every case of the securities of the Council the Council being at liberty from time to time to vary and transpose such investments.

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

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

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

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

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

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

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

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

(12) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which

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it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine. A.D. 1903.

48. The Council shall except as hereinafter provided have power to re-borrow for the purpose of paying off any moneys borrowed under this Act or re-borrowed under this Act which have not been repaid and are intended to be forthwith repaid or in respect of any such moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow : Power to re-borrow.

Provided that the Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose :

Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

49. All moneys from time to time borrowed under this Act or re-borrowed under this Act shall be applied by the Council only for the purposes for which the same are respectively authorised to be borrowed or re-borrowed excepting that moneys which may have been borrowed or re-borrowed in excess of the amount required shall be applied in such manner as the Council with the approval of the Local Government Board determine. Application of borrowed moneys.

50.—(1) Subject to the provisions of this section any mortgagee of the Council in respect of a mortgage under this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. Receiver.

(2) The application for the appointment of a receiver shall be made to the High Court and the court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him :

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to such applicants collectively be not less than one thousand pounds in the whole.

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Return as to
provision for
repayment of
debt.

51.—(1) The clerk of the Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised under this Act and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of such clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

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

Proceeds of
sale of

52. The proceeds of the sale of any surplus lands of the Council under the powers of this Act and the fines and premiums

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on any leases granted by the Council under this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of moneys borrowed by the Council and any moneys so discharged shall not be reborrowed. Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

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surplus lands
&c. to be
treated as
capital.

VI.—NEW STREETS AND BUILDINGS.

53. The Council may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with them in pursuance of any enactment for the time being in force in the district or any byelaw thereunder respectively.

As to plans
&c. deposited
with the
Council.

54. The deposit with the Council of any plan of any street or building shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say):—

Deposit of
plan to be
void after
certain
intervals.

As to plans deposited after the passing of this Act within two years from the date of such deposit:

As to plans deposited before the passing of this Act within two years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposit shall unless the Council otherwise determine be requisite.

The Council shall give notice of the provisions of this section to every person intending to construct a new street or erect a new building the plans for which shall have been approved before the passing of this Act but the construction of which street or the erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

55. No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street or such part thereof as may be required by the Council shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof

No buildings
allowed until
line and level
of street
defined.

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A.D. 1903. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Council may
define future
line of
streets.

56.—(1) Where any street or road repairable by the inhabitants at large in the district is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Council propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the chairman of the Council and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

(2) The Council may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the existing building line of the street or road and the same when purchased shall vest in the Council as part of the street or road.

(3) Whenever in any of the above cases the Council shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage which they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in such land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Council requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to

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this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1903.

57. The Council may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto. The Council shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section. Power to vary position or direction of new streets.

58. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a street or road repairable by the inhabitants at large shall first give notice in writing of such desire to the Council and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plans so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made he shall for each offence be liable to a penalty not exceeding forty shillings. Crossings for horses or vehicles &c. over footways.

59. If any land other than land now forming part of any common adjoining any street is allowed to remain waste and unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the Council owing to the absence or inadequate repair of any such fence a source of danger to passengers or is used for any immoral or indecent purpose or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the surveyor to the owner or occupier of the same or without any notice if the Council are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Council may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expense thereby incurred may be recoverable from such owner or occupier summarily or as a debt in any court of competent jurisdiction. Provided that such owner or occupier shall not be liable for such expenses in any case where the want of repair shall have arisen through the acts of Vacant land to be fenced.

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trespassers or others without default on the part of such owner or occupier.

Gardens
forecourts
&c. to be
fenced off
from streets.

60. Whenever the person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required in writing under the hand of the clerk or surveyor be well and sufficiently fenced off from the footpath or street by a railing parapet or dwarf wall or otherwise to the satisfaction of the Council and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Elevation of
buildings
erected on
front land to
be subject to
approval of
Council.

61. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Council and in case the Council for the space of one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence Provided that the provisions of this section shall not apply to any buildings erected or built by the county council for police purposes.

Height of
buildings.

62. No new building shall without the approval of the Council be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance Provided that the approval of the Council shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property In

determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be. In case of a gable facing the street the measurement shall be to a point half-way between the level of the eaves and the ridge. In the case of a roof which slopes away from a street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves. A.D. 1903.

63. With respect to the height of chimneys the following provisions shall have effect (that is to say):— Height of chimneys.

(1) All chimneys hereafter erected for carrying any smoke from the furnace of any mill factory brewery sizing house dye house gasworks corn mill foundry or buildings used for manufacturing purposes or for the carrying away of any noisome or deleterious gases or effluvia from any such buildings shall be raised to the height of fifty feet at least from the level of the centre of the street nearest thereto and in all cases where any chimney serves the furnace of a steam engine the chimney shall be raised to an additional height from such level adapted to the power of such engine according to the following scale (that is to say):—

If such steam engine be of more than ten horse-power and do not exceed thirty horse-power the height of such chimney shall not be less than eighty feet;

If such steam engine be more than thirty horse-power and do not exceed forty horse-power the height of such chimney shall not be less than one hundred and ten feet; and

If such steam engine be more than forty horse-power the height of such chimney shall not be less than one hundred and twenty feet:

(2) All steam ejected from any fixed steam engine or the boiler thereof and all spent and ejected steam arising or produced in any trade or business shall be discharged so as not to be an annoyance to the public:

(3) The foregoing provisions of this section shall not apply to locomotives used upon any railway or to any portable steam engines or to traction engines steam rollers or fire engines or to any chimneys used exclusively for casting or puddling furnaces:

(4) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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Yards to be paved.

64. If any yard or open space in connection with any house erected before or after the passing of this Act shall not be so formed flagged asphalted or paved as to allow of the surface water being carried off to the drains of such house the Council shall give to the owner of such house notice in writing requiring him within seven days after such notice shall have been so given to proceed to form and to flag asphalt or pave such yard or open space for at least one hundred square feet where practicable immediately adjoining such house or if such yard shall be less than one hundred square feet then the whole of such yard so as to allow of the surface water being carried off to the drains of such house and within twenty-one days after such notice shall have been so given to complete such several works to the satisfaction of the Council and if such owner shall make default in complying with any of such requirements to the satisfaction of the Council within the respective times aforesaid the Council may if they think fit execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Council by such owner and shall be recoverable summarily and until payment shall be a charge upon the premises.

Entrances to courts not to be closed.

65. The entrance to any court shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered.

What to be deemed new building.

66. From and after the passing of this Act—

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the district into a building which had it been originally erected in its converted form would have been within the operation of those byelaws ;

The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than a dwelling-house ;

The conversion of a dwelling-house into any other building not intended for human habitation ;

The making of any addition to any existing building by raising any part of the roof or making any projection therefrom but so far as regards such addition only ; and

The roofing or covering over of any open space between walls or buildings ;

shall for all the purposes of this Part of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a "new building."

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67.—(1) Before any person erects or sets up any temporary or movable building (not being a new building within the meaning of this Act) he shall apply to the Council for permission so to do and such application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

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As to temporary and movable buildings.

(2) The Council shall within twenty-one days after the delivery of the plan and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

(3) The Council may attach to their approval any condition which they may deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plan sections and specification or after the disapproval of the Council or before the expiration of the said twenty-one days without such approval or is in any respect not in conformity with any condition attached by the Council to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Council or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Council may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion.

(5) The following buildings and works shall be exempt from the operation of this section:—

(A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the district with respect to new buildings;

And any tent not remaining for more than seven days;

(B) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the

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construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Council may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion;

(c) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of any right of light; and

(d) Structures or erections erected or set up upon the premises of any railway or canal company and used for the purposes of or in connection with the traffic of any railway or canal company.

Certain provisions of Act not to apply to railway or canal companies.

68. The provisions contained in this Act as to new buildings or in any byelaws to be made thereunder shall not apply to any buildings (not being a dwelling-house) belonging to any railway or canal company and used by such company as a part of or in connection with their railway or canal.

VII.—OBSTRUCTIONS AND ADVERTISEMENTS.

Trees or shrubs overhanging streets.

69. Where any tree hedge or shrub overhangs any public street so as to obstruct or interfere with the light from any public lamp or to interfere with the free passage of passengers the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance with the notice may themselves carry out its requisition doing no unnecessary damage.

Regulations as to sky signs.

70. It shall not be lawful to erect or fix to upon or in connection with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Council and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein

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prescribed. Provided that in any of the following cases a licence of the Council under this section shall become void (namely):— A.D. 1903.

- (1) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;
- (2) If any change be made in the sky sign or any part thereof;
- (3) If the sky sign or any part thereof fall either through accident decay or any other cause;
- (4) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof; or
- (5) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed:

Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

71. In and for the purposes of this Act the expression "sky sign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression "sky sign" shall also include any balloon parachute or other similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection

Definition of
"sky sign."

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A.D. 1903. of any kind or on or over any street or public way but shall not include—

- (i) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement:
- (ii) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported:
- (iii) Any word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway or canal company and placed wholly upon or over any railway railway station yard platform or station approach canal building or towing-path belonging to a railway or canal company and so placed that it cannot fall into any street or public place.

As to using
vehicles for
advertising
in streets &c.

72.—(1) It shall not be lawful to use in any street any vehicle exclusively or principally for the purpose of displaying advertisements or for two or more persons together to carry a board or boards for such purpose without the consent of the Council which consent shall be in writing and may be for such time and contain such terms and conditions as the Council think fit.

(2) Every person who shall act in contravention of the provisions of this section or who shall violate any conditions made or the terms of any consent given in pursuance of the provisions of this section shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Restrictions
on adver-
tising board-
ings &c.

73.—(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained.

(2) It shall not be lawful to erect any such hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding.

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(3) The owner or other person using any such hoarding wall or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and if any papers affixed for advertising purposes to such hoarding wall or other structure fall away or become detached shall forthwith remove and clear away such papers.

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(4) This section shall not apply to any hoarding or similar structure affixed to any railway station or other property of a railway company and used for the purpose of or in connection with their undertaking.

(5) Any person acting in contravention of this section or of the terms and conditions (if any) of any consent given in pursuance of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(6) Any person aggrieved under this or the immediately preceding section by the refusal of the Council to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt.

VIII.—HACKNEY CARRIAGES.

74. The inspector of hackney carriages or any person appointed by the Council in writing may from time to time examine all public vehicles plying for hire within the urban district and shall see that the laws and byelaws relating to such public vehicles are duly observed. If any proprietor driver conductor or other person shall obstruct or hinder such inspector or other person so appointed as aforesaid in the execution of his duties such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

Powers to inspectors of hackney carriages.

75. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Council with respect to public vehicles shall be as fully applicable in all respects to public vehicles within the district conveying passengers to or from any railway station within the district as if such railway station were a public stand for public vehicles. Provided that the provisions of this

As to public vehicles taken at railway stations.

A.D. 1903. section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles nor shall the Council have any authority or control over vehicles whilst on the premises of any railway company.

IX.—SANITARY.

Council may order houses to be drained by a combined operation.

76.—(1) If it appear to the Council that two or more houses plans for which have been approved after the passing of this Act may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Council may when the drains for such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses incurred by the Council in relation to the construction of such combined drain and the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Council shall determine and may be recovered by the Council from such owners or occupiers in a summary manner before a court of summary jurisdiction Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(2) This section shall not apply to any house the plans for the construction of which have been approved by the Council before the passing of this Act.

Provisions as to separate system of sewerage.

77.—(1) From and after the passing of this Act the Council may by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for sewage (in this Act called a "sewage sewer") and they may also declare that any other sewer or sewers for the time being belonging to them shall be appropriated and used for surface water (in this Act called a "surface water sewer") and after such appropriation no sewage shall be permitted to flow into a surface water sewer of the Council or into any drain gutter or watercourse leading thereto and no surface water shall except with the consent in writing of the Council be permitted to flow or pass into any sewage sewer of the Council.

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(2) Where at the time of any such appropriation sewage from any premises shall flow or pass through any drain communicating with any surface water sewer or any surface water from any premises shall flow or pass through any drain communicating with any sewage sewer the Council may execute and do such works and things as may be necessary to cause such drain to communicate with the appropriate sewer.

(3) If after any such appropriation and the completion of any necessary works by the Council under the provisions of the preceding subsection any person shall cause or knowingly permit any sewage to flow or pass into any surface water sewer or without the consent in writing of the Council shall cause or knowingly permit any surface water to flow or pass into any sewage sewer the person so offending shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding twenty shillings and the Council may close any drain communicating with any such inappropriate sewer and may recover in a summary manner from the person offending any expense thereby incurred. Provided that no penalty or expenses shall be incurred by any person in respect of communications with any sewer existing at the time of the passing of the resolution appropriating any such sewer.

78. If any person causes any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging or altering the course of the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Damage to drains &c. so as to cause nuisance.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

79.—(1) On complaint made on oath by the surveyor medical officer of health or the inspector of nuisances that he or they have reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to the surveyor medical officer of health or inspector of nuisances to jointly or severally inspect any drain closet or cesspool or any water supply sink trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted the surveyor medical officer of health or

Inspection of drains &c.

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A.D. 1903. inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twenty-four hours' notice in writing has been given to the occupier of the premises to which such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises may enter and cause the ground to be opened wherever the surveyor medical officer of health or inspector of nuisances think fit doing as little damage as may be.

(2) If any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor medical officer of health or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(3) If any such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus be found on inspection to be properly made in accordance with the Acts and byelaws in force within the district and in proper order and condition the Council shall cause the same to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Council and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(4) If any such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus be found on inspection as aforesaid not to have been properly made as aforesaid or to be in bad order and condition and to require cleansing alteration or amendment or to be filled up the Council shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to place the work in proper order and condition.

(5) If such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

(6) For the purposes of this section the word "drain" includes any sewer which is not vested in the Council.

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

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Cleansing of cisterns &c.

81. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Council may by notice in writing require the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain on the premises a proper and sufficient urinal or urinals. Any such owner who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Urinals to be attached to inns &c.

82. If any urinal or closet now or hereafter erected in or opening on any street shall be so placed or constructed as to be a nuisance or offensive to public decency the Council by notice in writing may require the owner to remove the same. Any such owner who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Council may require removal or alteration of urinals &c.

X.—INFECTIOUS DISEASES.

83. No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the district or pick fruit intended for consumption within the district or engage in any trade or business connected with food intended for consumption within the district or carry on any trade or business in such a manner as to be likely to spread infectious disease within the district and if he does so he shall be liable to a penalty not exceeding forty shillings.

Prohibition on infected persons carrying on business.

84. Whenever it shall be certified to the Council by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Council may require such person to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the previous six weeks and such

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

A.D. 1903. person shall furnish such list accordingly and the Council shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein Any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Protection against infection of books in lending libraries.

85. No person shall return to any lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice that it has been exposed to infection to the medical officer of health or to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Council may provide nurses.

86. The Council may provide or contract with any person or persons to provide nurses for attendance upon any persons suffering from any infectious disease within the district and may charge a reasonable sum for the services of any nurse so provided.

Public notice to be given of provisions of this Part of Act.

87. Public notice of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two local newspapers circulating in the district and by a notice affixed outside the offices of the Council and by hand-bills or such further means as the Council deem reasonable for conveying notice of the provisions of this Part of this Act to persons affected or likely to be affected thereby A copy of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

XI.—RECREATION GROUNDS.

Setting apart of recreation grounds for games &c.

88. The Council may permit the use of any part of the recreation grounds belonging to them or under their control for cricket football and other games and for the drill of any military or police force or of firemen for concerts and other amusements and for any purposes tending to promote the health amusement and enjoyment of the inhabitants and public of the district but so that the same shall be open to the public when not in use for such games drill or other purposes.

Apparatus for games.

89. The Council may provide apparatus for games and recreation for the use of the public frequenting the recreation grounds and may charge for the use thereof and they may lease or grant for

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any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Council may make regulations with respect to the use and the payment for the use of such apparatus. A.D. 1903.

90. The Council may place or authorise any person or persons to place seats shelters or chairs in any street recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto. Chairs and seats for public use.

91. The Council may in any recreation ground erect maintain furnish and equip and may remove refreshment assembly and reading rooms pavilions and conservatories and may alter temporary or permanent buildings and conveniences which may be required or convenient for the purposes of such recreation ground and the public resorting thereto and may charge for admission to any of such rooms buildings or conveniences or in respect of the use thereof or of any part or parts thereof respectively : Council may erect buildings &c.

Provided that the Council shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

92.—(1) The Council may let any refreshment rooms or other buildings with their appurtenances belonging to them or under their control to such person or persons for such term not exceeding three years at any one time at such rent payable at such times under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Council may think fit. Power to Council to let refreshment rooms &c.

(2) The Council may also let any such pavilion or other building for the purposes of particular meetings or entertainments and may make such charge and impose such conditions as they may think fit.

93. The moneys (if any) received from the admission of any persons to any recreation ground belonging to the Council or under their control and management or any reading room assembly room pavilion or building or from the letting of any refreshment rooms or other buildings or from the letting of any apparatus for playing at games or for the use of chairs shall after providing for the maintenance of such recreation grounds be carried to the district fund. Application of moneys received from admissions to public recreation grounds &c.

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As to public
bands.

94. The Council may pay or contribute out of the general district rate towards the payment of a public band of music to perform in any public recreation ground or other place of public resort within the district as the Council may prescribe provided that the amount of such payments or contributions shall not in any one year exceed an amount which would be produced by a rate of one halfpenny in the pound on the assessable value of the district to the general district rate.

Recreation
grounds to be
deemed
streets for
police pur-
poses.

95. The recreation grounds belonging to or under the control of the Council shall be deemed streets for the purposes of so much of section 28 of the Town Police Clauses Act 1847 as relates to the following offences:—

Every person who suffers to be at large any unmuzzled ferocious dog or urges any dog or other animal to attack worry or put in fear any person or animal:

Every person who rides or drives furiously any horse or carriage or drives furiously any cattle:

Every common prostitute or night-walker loitering and importuning passengers for the purpose of prostitution:

Every person who wilfully and indecently exposes his person:

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language:

Every person who wantonly discharges any fire-arm or throws or discharges any stone or other missile or makes any bonfire or throws or sets fire to any firework:

Every person who throws or lays any dirt litter or ashes or night-soil or any carrion fish offal or rubbish on any street.

XII.—MISCELLANEOUS.

Inquiries by
and expenses
of Local
Government
Board.

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

(2) The Council shall pay to the Board any expenses incurred by the Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding

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the inquiry and a sum to be fixed by the Board not exceeding three guineas a day for the services of such inspector. A.D. 1903.

97.—(1) Where any notice or demand under this Act or under the Water Act of 1895 requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authentica-
tion and
service of
notices.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under the Water Act of 1895 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.

98. All byelaws from time to time made by the Council under the provisions of this Act shall except where otherwise expressly provided by this Act be made under and subject to the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875. General pro-
visions as to
byelaws.

99. Save as otherwise expressly provided all offences against this Act or the Water Act of 1895 and all penalties forfeitures costs and expenses imposed or recoverable under this Act or the Water Act of 1895 or any byelaw made in pursuance of such Acts or either of them 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. Recovery of
penalties.

100. Proceedings for the recovery of any demand not exceeding fifty pounds 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 the county court. Recovery of
demands
under fifty
pounds.

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

102. 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 and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped out of any moneys borrowed on the security of the district fund and general district rate or out of any moneys which the Council are authorised to borrow under the powers of this Act. Costs of Act.

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SCHEDULE referred to in the foregoing Act.

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