



**CHAPTER lxxxiv.**

An Act to confirm a Scheme made by a Committee of the Lords of His Majesty's Privy Council under the Municipal Corporation Acts 1882 and 1885 relating to Merthyr Tydfil. A.D. 1905.  
[30th June 1905.]

**W**HEREAS under the authority of the Municipal Corporation Acts 1882 and 1885 a Committee of the Lords of His Majesty's Privy Council have settled the scheme set out in the schedule to this Act and by reason of a petition against that scheme having been received by the said Committee that scheme requires the confirmation of Parliament: 45 & 46 Vict.  
c. 50.  
48 & 49 Vict.  
c. 38.

And whereas it is expedient that the said scheme should be confirmed by Parliament in manner and form as set out in the schedule to this Act:

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

1. The scheme as altered and set out in the schedule to this Act is hereby confirmed and all the provisions thereof in manner and form as set out in that schedule shall have full force. Confirmation of scheme in schedule.

2. If the person or persons who may at the time of the passing of this Act be acting as returning officer and town clerk respectively for the parliamentary borough of Merthyr Tydfil by virtue of this Act or of anything done in pursuance or in consequence thereof or by reason of the incorporation of the municipal borough of Merthyr Tydfil be removed from office or deprived of any emoluments thereof such person or persons shall be deemed to be and shall be treated as if he or they

Compensation for town clerk and returning officer of parliamentary borough.



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1. The scheme as altered and set out in the schedule to this Act is hereby confirmed and all the provisions thereof in manner and form as set out in that schedule shall have full force. Confirmation of scheme in schedule.

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Compensation for town clerk and returning officer of parliamentary borough.

[Ch. lxxxiv.] *Municipal Corporations (Merthyr Tydfil Scheme Confirmation) Act, 1905.* [5 EDW. 7.]

A.D. 1905. — were an officer or officers of the district council who shall have been employed by the district council for a period of five years and shall not be employed by the council of the borough and shall be entitled to such compensation as is provided for in the clause of the scheme hereby confirmed the marginal note of which is "Compensation for loss of office" and the amount of such compensation shall include the reasonable costs incurred by such person or persons in opposing the Bill for this Act.

Audit of  
accounts.

3. Sections 25 26 and 27 of the Municipal Corporations Act 1882 and section 246 of the Public Health Act 1875 shall not apply to the accounts of the mayor aldermen and burgesses of the borough of Merthyr Tydfil (herein-after called "the Corporation") or of the borough treasurer or of the officers of the Corporation but the accounts of the Corporation and of the borough treasurer and the officers of the Corporation under any public or private Act of Parliament shall be audited by an auditor appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors including the enactments imposing penalties and providing for the recovery of sums shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of such authority they were herein re-enacted with the necessary modifications and accordingly all burgesses of the borough and all ratepayers and owners of property in the borough shall have the like rights and there shall be the same appeal as in the case of such audit:

Provided that the Corporation may out of their borough fund—

- (A) Pay reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and of purchasing reports of the proceedings of any such conferences or meetings;

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[5 EDW. 7.] *Municipal Corporations (Merthyr [Ch. lxxxiv.] Tydfil Scheme Confirmation) Act, 1905.*

- (B) Pay the reasonable expenses of the Corporation in providing public entertainments on the occasion of public ceremony and in the reception and entertainment of distinguished persons visiting the borough ; A.D. 1905. —
- (c) Make reasonable subscriptions not exceeding in the whole twenty guineas in any one year to the funds of hospitals established and maintained in the borough for the use and benefit of the public ;
- (D) Make reasonable subscriptions in aid of local volunteer corps brigades and other institutions established in or connected with the borough for the purpose of rendering national or public services.

4. This Act may be cited as the Municipal Corporations Short title. (Merthyr Tydfil Scheme Confirmation) Act 1905.

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A.D. 1905.

SCHEDULE.

MERTHYR TYDFIL SCHEME.

*Scheme under the Municipal Corporation Acts 1882 and 1885 settled by a Committee of the Lords of His Majesty's Privy Council for the adjustment of the property rights liabilities &c. of the Urban District Council of Merthyr Tydfil and for other purposes.*

MUNICIPAL CORPORATIONS ACT 1882.

WHEREAS by the Municipal Corporation Acts 1882 and 1885 it is enacted that where a petition for a charter of incorporation is referred to the Committee of His Majesty's most Honourable Privy Council and it is proposed by the charter to extend the Municipal Corporation Acts to the municipal borough to be created by the charter the said Committee of Council may settle a scheme for the purposes in the said Acts named and containing such provisions as are in the said Acts particularised :

And whereas in the month of December 1902 certain inhabitant householders of the town and parish of Merthyr Tydfil in the county of Glamorgan petitioned His Majesty the King praying for the grant of a charter of incorporation :

And whereas the said petition for a charter was referred to the Committee of Council and it was proposed by the charter to create the urban district of Merthyr Tydfil herein-after described a municipal borough and to incorporate the inhabitants thereof and to extend the Municipal Corporation Acts to the municipal borough to be created by the charter :

And whereas by an Order in Council made on the 19th day of June 1850 in pursuance of the provisions of the Public Health Act 1848 a local board of health (herein-called "the local board") was constituted for the parish of Merthyr Tydfil :

And whereas under and by virtue of the Local Government Acts 1858 and 1861 the local board became invested with various powers and duties and was constituted the urban sanitary authority for the local government district of Merthyr Tydfil :

And whereas by an Order of the county council of Glamorgan dated the 26th day of November 1891 duly confirmed by an Order of the Local Government Board dated the 4th day of April 1893 a portion of the adjoining parish of Llanfabon was added to the local government district of Merthyr Tydfil :

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[5 EDW. 7.] *Municipal Corporations (Merthyr Tydfil Scheme Confirmation) Act, 1905.* [Ch. lxxxiv.]

A.D. 1905.

And whereas under and by virtue of the Local Government Act 1894 the local board became the urban district council for the urban district of Merthyr Tydfil (herein-after respectively called "the district council" and "the urban district"):

And whereas by a Provisional Order of the Local Government Board dated the 1st day of June 1870 confirmed by the Local Government Supplemental Act 1870 (No. 2) powers were given to the local board to acquire land for the purposes of sewage irrigation :

And whereas the local board and the Aberdare Local Board of Health by a deed dated the 16th day of June 1877 agreed that the local board should at all times thereafter take over and dispose of upon the sewage farms belonging to the local board all the sewage of the Aberdare district as the same should be delivered by the Aberdare Local Board of Health as therein mentioned :

And whereas by a deed dated the 17th day of January 1878 terms were settled upon which the local board should take over and dispose of the said sewage and provision was made for the election and continuing of a farms management committee to manage the sewage farms of the local board :

And whereas it is expedient that provision should be made for continuing the representation of the municipal borough created by the charter upon the said farms management committee :

And whereas the Education Act 1902 has come into operation in the urban district and the district council are the local education authority within the urban district for the purposes of Part III. of the said Act :

And whereas the Local Government Board did on the 20th March 1895 the 26th November 1895 and the 4th September 1897 under section 33 of the Local Government Act 1894 issue certain Orders by which the district council were invested with the power of appointing overseers the power of appointing and revoking the appointment of assistant overseers and the powers of a parish council under section 6 (1) (a) (b) and (c) (i) of the said Local Government Act 1894 :

And whereas the following Acts have been adopted by the local board and by the district council and are now in force within the urban district that is to say :—

- (1) The Infectious Disease (Notification) Act 1889 adopted on the 7th day of January 1891 ;
- (2) The Infectious Disease (Prevention) Act 1890 adopted on the 18th day of March 1891 ;
- (3) The Public Health Acts Amendment Act 1890 adopted on the 20th day of May 1891 ;
- (4) The Housing of the Working Classes Act 1890 (Part III.) adopted on the 18th day of March 1891 ;

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- (5) The Private Street Works Act 1892 adopted on the 2nd day of November 1892;
- (6) The Public Libraries Act 1892 adopted on the 1st day of February 1899;
- (7) The Small Dwellings Acquisition Act 1899 adopted on the 21st day of November 1900:

And whereas the following Acts are now in force within the urban district:—

- (1) The Merthyr Tydfil Water Acts 1858 and 1865 the Merthyr Tydfil District Council Waterworks Act 1895 the Merthyr Tydfil Urban District Council Act 1903;
- (2) The Merthyr Tydfil Light Railway Order 1899 as confirmed by the Board of Trade on the 16th day of May 1899;
- (3) The Merthyr Tydfil Electric Lighting Order 1899 as confirmed by the Electric Lighting Confirmation (No. 17) Act 1899;
- (4) The Merthyr Tydfil Market Act 1835;
- (5) The Merthyr Tydfil Gas Act 1868;
- (6) The Dowlais Market Act 1837:

And whereas the district council on the 20th day of February 1901 made regulations under the Dairies Cowsheds and Milkshops Order of 1885:

And whereas the district council have made the following byelaws which have been duly confirmed by the Local Government Board on the dates respectively mentioned viz. Cleansing of Footways and Pavements the Removal of House Refuse and the Cleansing of Earth Closets Privies Ash Pits &c. (1st April 1903) Nuisances (30th June 1903) Common Lodging Houses (8th October 1889) New Streets and Buildings (4th September 1903) Slaughter Houses (8th October 1889) Hackney Carriages (23rd July 1901) Waste Misuse and Contamination of Water (23rd July 1901) Vans Tents Sheds and similar Structures used for Human Habitation (28th March 1903) Cabmen's Shelters (19th January 1893) Pleasure Grounds (29th March 1904) and byelaws confirmed by the Board of Trade (5th December 1901) under the Merthyr Tydfil Light Railway Order 1899:

And whereas the county council of Glamorgan have made byelaws for the good rule and government of the administrative county of Glamorgan and the same are now in force in the urban district:

And whereas it is expedient that arrangements shall be made for the consolidation of the police force of the borough of Merthyr Tydfil constituted by the said charter (herein called "the borough") with the police force of the county of Glamorgan:

And whereas the district council is a local authority within the meaning of the Municipal Corporation Acts 1882 and 1885:

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A.D. 1905.

And whereas this scheme was before being settled by the Committee of Council referred for consideration to His Majesty's Principal Secretary of State for the Home Department to the Local Government Board and to the Board of Education :

And whereas it is expedient that a scheme should be made and settled containing the provisions herein-after set forth :

Now therefore pursuant to the Municipal Corporation Acts 1882 and 1885 and every other power enabling them in that behalf the Committee of Council have settled a scheme containing the provisions herein and do hereby direct order and declare as follows :—

This scheme may be cited for all purposes as the Borough of Merthyr Tydfil Scheme 1905.

This scheme when confirmed shall come into operation on the day of the first meeting of the council of the borough and this scheme shall be construed and applied as if it had been dated and confirmed by Parliament or Order in Council on the day before the day of the said first meeting and everything thereunder shall be done and had accordingly This date is herein-after referred to as "the commencement of this scheme" So far as may be necessary this scheme shall operate retrospectively.

From and after the commencement of this scheme the borough shall be placed within the jurisdiction of the mayor aldermen and burgesses of the borough of Merthyr Tydfil (herein-after called "the Corporation") acting by the council of the borough as the sanitary authority of the borough.

The district council and its powers duties rights obligations and privileges shall continue and be deemed to have continued to exist until the commencement of this scheme unaffected in any manner whatsoever by the grant of the said charter or the creation of the borough From and after the commencement of this scheme the district council shall be and the same is hereby abolished and the jurisdiction powers duties rights obligations privileges and property vested in or possessed by the district council or by any person or body in trust for it or any of its members as such (and not otherwise dealt with or transferred by or under any part of this scheme) shall vest in the Corporation and shall be exercised held and applied for the municipal sanitary and public purposes of the borough.

All duties and liabilities which immediately before the commencement of this scheme attached to and were enforceable against the district council or the property thereof shall attach to and be enforceable against the Corporation.

Any investigations legal proceedings or remedy in respect of any debt liability penalty or forfeiture due to or incurred by or on behalf of the district council before the commencement of this scheme may be continued prosecuted or enforced by or against the Corporation.

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A.D. 1905.

The term "property" in this scheme means and includes all property real and personal and all things in action and all rights of common and commonable rights and rights to toll and all franchises privileges and rights which have any pecuniary value and all charters records deeds books and documents and all rights and all claims to relief and all rights to avoid contracts or otherwise and includes any estate or interest legal or equitable in or in respect of any property so defined.

The district fund and the general district rate of the borough shall for all purposes whatsoever (subject to the provisions of the Municipal Corporations Act 1882 with respect to the borough fund and borough rate and watch rate respectively) take the place of and be substituted for the district fund and general district rate respectively of the district council and all sums of money respectively payable to from or out of and all liabilities charged upon or attaching to the district fund or general district rate of the district council shall (subject as aforesaid) be paid to from or out of and shall be charged upon the said district fund and general district rate of the borough respectively.

All the rights interests powers property obligations and liabilities whatsoever of the local board or the district council by virtue of the hereinbefore recited deeds of the 16th day of June 1877 and the 17th day of January 1878 and all rights interests powers property liabilities or obligations vested in or attached to the district council under the Public Health Act 1875 the Orders of the Local Government Board dated the 20th March 1895 the 26th November 1895 and the 4th September 1897 the Infectious Disease (Notification) Act 1889 the Infectious Disease (Prevention) Act 1890 the Public Health Acts Amendment Act 1890 the Housing of the Working Classes Act 1890 (Part III.) the Private Street Works Act 1892 the Public Libraries Acts 1892 and 1893 the Small Dwellings Acquisition Act 1899 the Merthyr Tydfil Market Act 1835 the Dowlais Market Act 1837 the Merthyr Tydfil Gas Act 1868 the Merthyr Tydfil Water Acts 1858 and 1865 the Merthyr Tydfil District Council Waterworks Act 1895 the Merthyr Tydfil Urban District Council Act 1903 the Merthyr Tydfil Light Railway Order 1899 the Merthyr Tydfil Electric Lighting Order 1899 or any Act amending or enlarging the same shall pass to devolve upon be exerciseable by or against be vested in or attached to the Corporation and after the commencement of this scheme the Corporation shall be and continue the legal successors of the district council for all purposes The town clerk of the borough shall be substituted for and perform the duties of the clerk to the district council.

Any byelaws made by the district council and duly allowed and any regulations under the Dairies Cowsheds and Milkshops Order of 1885 and in force within the urban district at the commencement of this scheme and any tables of fees and charges in force in the said district shall unless duly repealed revoked or varied continue in force and have operation in the borough in like manner and with like effect as if the Corporation and

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The district fund and the general district rate of the borough shall for all purposes whatsoever (subject to the provisions of the Municipal Corporations Act 1882 with respect to the borough fund and borough rate and watch rate respectively) take the place of and be substituted for the district fund and general district rate respectively of the district council and all sums of money respectively payable to from or out of and all liabilities charged upon or attaching to the district fund or general district rate of the district council shall (subject as aforesaid) be paid to from or out of and shall be charged upon the said district fund and general district rate of the borough respectively.

All the rights interests powers property obligations and liabilities whatsoever of the local board or the district council by virtue of the hereinbefore recited deeds of the 16th day of June 1877 and the 17th day of January 1878 and all rights interests powers property liabilities or obligations vested in or attached to the district council under the Public Health Act 1875 the Orders of the Local Government Board dated the 20th March 1895 the 26th November 1895 and the 4th September 1897 the Infectious Disease (Notification) Act 1889 the Infectious Disease (Prevention) Act 1890 the Public Health Acts Amendment Act 1890 the Housing of the Working Classes Act 1890 (Part III.) the Private Street Works Act 1892 the Public Libraries Acts 1892 and 1893 the Small Dwellings Acquisition Act 1899 the Merthyr Tydfil Market Act 1835 the Dowlais Market Act 1837 the Merthyr Tydfil Gas Act 1868 the Merthyr Tydfil Water Acts 1858 and 1865 the Merthyr Tydfil District Council Waterworks Act 1895 the Merthyr Tydfil Urban District Council Act 1903 the Merthyr Tydfil Light Railway Order 1899 the Merthyr Tydfil Electric Lighting Order 1899 or any Act amending or enlarging the same shall pass to devolve upon be exerciseable by or against be vested in or attached to the Corporation and after the commencement of this scheme the Corporation shall be and continue the legal successors of the district council for all purposes The town clerk of the borough shall be substituted for and perform the duties of the clerk to the district council.

Any byelaws made by the district council and duly allowed and any regulations under the Dairies Cowsheds and Milkshops Order of 1885 and in force within the urban district at the commencement of this scheme and any tables of fees and charges in force in the said district shall unless duly repealed revoked or varied continue in force and have operation in the borough in like manner and with like effect as if the Corporation and



their officers and the borough were referred to therein instead of the local board or the district council as the case may be and their officers and the district. A.D. 1905.

The byelaws for the good rule and government of the administrative county of Glamorgan so far as they are in force in the urban district shall continue in force and be enforced within the borough until the expiration of two years from the commencement of this scheme or until other byelaws for good rule and government of the borough made by the Corporation shall have come into force whichever shall first occur.

As soon as may be convenient after the commencement of this scheme the council of the borough shall prepare and submit to the Board of Education a scheme for an education committee for the borough in accordance with the provisions of section 17 of the Education Act 1902.

Until the last-mentioned scheme shall have been approved by the Board of Education the members of the education committee of the district council who are in office immediately before the commencement of this scheme shall be deemed to have been appointed and shall be the education committee for the borough.

As soon as the scheme for an education committee for the borough shall have been approved by the Board of Education the education committee appointed by the district council shall be dissolved and cease to exist.

*Saving for Rates &c.*

Notwithstanding the incorporation of the borough and the provisions of this scheme all rates assessments compositions charges mortgages contracts leases conveyances deeds documents acts matters and things made entered into or done before the commencement of this scheme by to or with reference to the district council shall be as good valid and effectual to all intents and purposes whatsoever for against and with reference to the Corporation as if the same had been made entered into or done by to or with reference to the Corporation instead of the district council and may be proceeded on or enforced in the same manner in all respects as if the Corporation instead of the district council had been party or privy to the same and had been named or referred to therein.

In case any officer of the district council who shall have been employed by the district council for a period of five years shall not be employed by the council of the borough nor offered by the said council a position in their employ of a similar character and of an equal value to that formerly held by him he shall be entitled to be paid by way of compensation for the loss of his position out of the funds of or under the control of the Corporation acting by the council as the sanitary authority for the borough and the amount to be paid in each case shall be determined in accordance with the provisions of section 120 of the Local Government Act 1888 and subsections (1) to (7) inclusive of that section shall apply as if

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[Ch. lxxxiv.] *Municipal Corporations (Merthyr Tydfil Scheme Confirmation) Act, 1905.* [5 EDW. 7.]

A.D. 1905. — they formed part of this scheme with the substitution of the words "borough council" for "county council" and "this scheme" for "this Act" and with such other modifications as are necessary to make them applicable hereto :

Provided nevertheless that if any such officer be so employed by the Corporation and discharged by them (otherwise than for misconduct) within two years of the commencement of this scheme he shall be entitled to compensation in the same manner as if he had not been employed by the Corporation. Provided that the term "officer" shall include only persons employed by the district council whose salaries or emoluments are payable at intervals of not less than one month and no other persons.

The accounts of the district council and its officers shall be (as soon as conveniently may be) audited by the district auditor in like manner and subject to the like powers duties provisions and right of appeal as if the charter had not been granted and the provisions of sections 247 and 250 of the Public Health Act 1875 as amended by the District Auditors Act 1879 and any regulations duly issued by the Local Government Board with respect to the audit of the accounts of local boards or urban district councils and of their officers shall apply to such audit and the provisions of this scheme with respect to the district council shall be construed so as to admit of such exceptions as may be necessary to enable such audit to be duly made but such exceptions shall be strictly limited in time extent character and operation to the purposes of such audit. Any money certified to be due from any person by the district auditor at such audit shall be paid by such person to the treasurer of the borough.

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