



CHAPTER cxxxii.

An Act to confer upon the Prestatyn Urban District Council powers in relation to the supply of gas and water and to make further provision for the local government health and improvement of the district. A.D. 1909.

[16th August 1909.]

WHEREAS the district of Prestatyn is an urban sanitary district within the meaning of the Public Health Act 1875 and an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Prestatyn (in this Act referred to as "the Council"):

And whereas certain gasworks were established in the district prior to its being formed into an urban district by Henry Davis Pochin and by the Prestatyn Gas Order 1892 confirmed by the Gas Orders Confirmation (No. 2) Act 1892 certain powers of supplying gas were granted to the said Henry Davis Pochin within the area defined by that Order:

And whereas the said works and the property rights and easements held in connexion therewith now belong to Laura Elizabeth Lady McLaren as heiress of the said Henry Davis Pochin and the said gasworks are now carried on by her:

And whereas by the said Order the capital to be employed in the undertaking consisted of five thousand pounds in ordinary shares of five pounds each the whole of which has been paid up and exhausted and a loan or mortgage debt of one thousand two hundred and fifty pounds:

A.D. 1909. — And whereas it is expedient that the undertaking should be transferred to and vested in the Council upon the terms and conditions stated in this Act and the Council should be authorised to expend money upon improving the supply and to borrow money for that purpose :

And whereas by the *Prestatyn Water Act 1901* (in this Act referred to as "the Act of 1901") the Council were empowered to supply water in the district and certain neighbouring parishes and the undertaking (also belonging to the said *Laura Elizabeth Lady McLaren*) of the *Dyserth Meliden and Prestatyn Water Company* authorised by the *Dyserth Meliden and Prestatyn Water Order 1881* (in this Act referred to as "the Order of 1881") was transferred to and vested in the Council and the Order of 1881 was repealed except as regards certain articles thereof including Articles 9 and 11 whereby the company had power among other things to connect a pipe of four inches diameter with the spring known as *Ffynnon Asaph* and to take water from the said spring :

And whereas by the Act of 1901 the Council were empowered to construct a line of pipes commencing in the said spring and by section 20 of the said Act it was provided as follows (that is to say) :—

"Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their water undertaking the waters known as *Ffynnon Asaph Spring* Provided that except with the consent in writing of *Mrs. Laura McLaren* her heirs and assigns nothing herein contained shall authorise the Council to take use divert or appropriate for the purposes aforesaid a larger quantity of water than one hundred and twenty thousand gallons per day" :

And whereas by subsection (1) of section 21 (For protection of *Lord Windsor* and *Ecclesiastical Commissioners*) of the Act of 1901 it was provided as follows (that is to say) :—

"The Council shall not collect impound take use or appropriate any of the waters of the said *Ffynnon Asaph Spring* in excess of the quantity of water which the company are by the Order of 1881 authorised to take from such spring by means of a pipe of four inches diameter but not otherwise on any day when the flow

of water from the said spring into the Marian Brook A.D. 1909
is on such day less than two million gallons Provided
that when in any such day as aforesaid the flow of
water from the said spring is at a rate exceeding two
million gallons per day the quantity of water (in excess
of the quantity which the company are authorised to
take as aforesaid) which the Council shall in such day
be entitled to collect take or appropriate shall not
exceed the quantity flowing on that day from the said
spring in excess of two million gallons”;

and the said section 21 further provided that for the purpose
of measuring the flow of water from the said spring the
Council should construct and maintain in a proper state of
repair a suitable measuring gauge or measuring gauges at or
near the said spring over or through which the water should
flow and that any dispute arising as to the position sufficiency
or accuracy of any gauge or as to its state of repair or condition
should be determined by arbitration :

And whereas it is expedient that the Council should be
empowered to alter the said gauge as in this Act provided :

And whereas the population of the district is increasing
and the district is frequented in the summer by a large and
increasing number of visitors and it is expedient that for the
purpose of ensuring the continuance and regularity of the supply
of water in the district and the neighbouring parishes within the
limits of supply of the Council the Act of 1901 should be
amended in manner in this Act mentioned :

And whereas it is expedient that further powers be con-
ferred upon the Council for the regulation of streets and
buildings and sanitary matters and otherwise in relation to
the health local government and improvement of the district :

And whereas the following adoptive Acts are in force
within the district (that is to say) the Infectious Disease
(Prevention) Act 1890 the Public Libraries Acts 1892 and 1893
the Private Street Works Act 1892 and the Public Health Acts
Amendment Act 1890 :

And whereas the Council have applied to the Local Govern-
ment Board for an Order to make the Public Health Acts
Amendment Act 1907 or parts thereof applicable within the
district :

A.D. 1909. And whereas estimates have been prepared by the Council for the purchase of land and extension of the gasworks and such estimates amount to the sum of ten thousand pounds :

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

And whereas an absolute majority of the whole number of the Council at a meeting held on the thirty-first day of December one thousand nine hundred and eight after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Prestatyn Weekly* a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the *Prestatyn Weekly* a newspaper circulating in the district 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 eleventh day of January one thousand nine hundred and nine being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed :

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

And whereas plans of the lands by this Act authorised to be acquired and books of reference containing the names of the owners or reputed owners and lessees or reputed lessees and occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Flint and are in this Act referred to as the deposited plans and books of reference :

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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):—

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PART I.

PRELIMINARY.

1. This Act may be cited as the *Prestatyn Urban District Council Act 1909*. Short title.

2. 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):— Incorporation of Acts.

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

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) Provided that section 13 thereof shall be read as if the words "or any premises" were inserted after the words "private building":

The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof).

3. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):— Interpretation.

"The district" means the urban district of Prestatyn;

"The Council" means the urban district council of the district;

"The district fund" and "the general district rate" mean respectively the district fund and general district rate of the district;

"The clerk" "the surveyor" "the medical officer" and "the inspector of nuisances" mean respectively the

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clerk and the surveyor to the Council and the medical officer of health and the inspector of nuisances of the district and respectively include any persons duly authorised to discharge temporarily the duties of those officers ;

“The vendor” means Laura Elizabeth Lady McLaren and includes her heirs executors administrators and assigns ;

“The undertaking” includes all the gasworks gasholders mains pipes machinery lands buildings and plant and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the vendor in relation to the manufacture and supply of gas at the date of the transfer of the undertaking to the Council under the provisions of this Act ;

“Daily penalty” means a penalty for each day on which any offence is continued after conviction thereof ;

“Statutory securities” mean any securities in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council ;

“The Act of 1901” means the Prestatyn Water Act 1901 ;

“The Order of 1881” means the Dyserth Meliden and Prestatyn Water Order 1881 confirmed by the Water Orders Confirmation Act 1881 ;

“The Order of 1892” means the Prestatyn Gas Order 1892 confirmed by the Gas Orders Confirmation (No. 2) Act 1892 ;

Terms to which meanings are assigned by the Acts wholly or partially incorporated with this Act or by the Public Health Acts have the same respective meanings unless

varied by this Act or unless there is something in the subject or context repugnant to such construction and in the Acts so incorporated with this Act the expressions "the undertakers" "the promoters of the undertaking" shall for the purposes of this Act mean the Council.

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4. The limits of this Act for all purposes except where otherwise expressly provided are the district.

Limits of Act.

PART II.

TRANSFER OF GAS UNDERTAKING.

5. Within three months after the passing of this Act the Council shall give to the vendor notice in writing of their intention to purchase the undertaking and thereupon the vendor shall sell to the Council and the Council shall purchase the undertaking free as between the Council and the vendor from incumbrances for such price or consideration being a sum in gross and on and subject to such terms and conditions as may be agreed upon between the parties or as failing agreement shall be determined by arbitration under and pursuant to the provisions of the Lands Clauses Acts and in the construction of those Acts for the purposes of this section the Council shall be deemed to be "the promoters of the undertaking" and the undertaking of the vendor shall be deemed to be "lands taken or required for the undertaking" and for the purposes of any such arbitration the sale and purchase shall be deemed to be by compulsion. In addition to the sum to be paid by the Council to the vendor under the foregoing provisions of this section the Council shall pay to the vendor the sum of two hundred and fifty pounds towards the costs and expenses incurred by her of and incident to the promotion of the Prestatyn Gas Order 1909 and her opposition to the Bill for this Act so far as such opposition related to the transfer of the undertaking.

Council to purchase gas undertaking.

6.—(1) The purchase shall be completed and the price or consideration and all other sums due from the Council to the vendor shall be paid on such date as may be agreed between the parties or failing such agreement on the next day after the expiration of two months from the determination of the amount of the purchase money and if the same shall not then be paid the Council shall pay to the vendor interest thereon as from that date (which is in this Act referred to as "the date

Transfer of undertaking to Council.

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of transfer") to the date of actual payment at the rate of four per centum per annum and on payment by the Council of such price or consideration and the interest (if any) thereon the undertaking shall by virtue of this Act be vested in the Council subject and according to the provisions of this Act and free from all incumbrances obligations debts and liabilities affecting the same and thenceforth the Council shall have and hold the undertaking.

(2) The production of a King's printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by the vendor or by the cashier of the Bank of England shall (unless it be proved that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the undertaking.

Receipt for
purchase
money.

7. The receipt in writing of the vendor for the purchase price of the undertaking or for any other sum of money to be paid to her by the Council in respect of the undertaking shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been so received and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said Bank for the money which shall have the same effect as the receipt of the vendor.

Actions
pending not
to abate.

8. If at the date of transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the vendor in respect of the undertaking the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted and enforced by or against or in favour of the vendor if this Act had not been passed.

Contracts to
be binding
upon Council.

9. Subject to the provisions of this Act all purchases sales conveyances grants assurances deeds contracts bonds and agree-

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ments entered into or made and subsisting in respect of the undertaking at the date of transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the vendor the Council had been a party thereto. A.D. 1909.

10. All debentures mortgages obligations debts and liabilities of the vendor in respect of the undertaking existing at the date of transfer shall be paid discharged and satisfied by the vendor and the vendor shall indemnify the Council against the same. Debts to be paid by vendor.

11. The vendor shall bear and pay all outgoings of every description and shall be entitled to all gas rents and other debts due to her and to all receipts from the undertaking up to the date of transfer Provided that nothing in this Act contained shall entitle the vendor to retain for her own benefit so much of any rents or other incomings paid or payable in advance as shall be attributable to any period after the date of transfer but such rents and other incomings shall be apportioned and so much thereof as is attributable to any period after the date of transfer shall be paid over by the vendor to the Council. Vendor to pay outgoings and be entitled to receipts till transfer.

12. Until the date of actual payment the undertaking shall be carried on by the vendor according to the ordinary course of business and the vendor shall not without the previous consent of the Council under the hand of their clerk enter into any new liability contract agreement or other obligation in respect of her undertaking except such as may be in the ordinary course of business which shall extend beyond the date of transfer or any other liability contract agreement or obligation except such as may be in the ordinary course of business and shall keep all works and property forming part of the undertaking in good and substantial repair and condition and after the passing of this Act and before the date of actual payment the vendor may by agreement with the Council expend money upon the capital purposes of the undertaking and any money so expended by the vendor shall be repaid to her by the Council. Vendor to carry on undertaking till transfer.

13. The Council shall take over the stock of gas coal and other stores at the date of transfer belonging to the vendor at such price as may be settled by agreement between the parties or failing agreement may be settled by a valuer to be agreed Council to purchase stock and stores.

A.D. 1909. upon between the Council and the vendor or failing agreement to be nominated by the Board of Trade on the application of either party.

Books and documents to remain evidence.

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

Act to be registered by registrar of joint stock companies.

15. The Council shall forward to the registrar of joint stock companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Council shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recoverable summarily There shall be paid to the registrar by the Council on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association.

Repeal of Order of 1892.

16. As from the date of the actual payment of the purchase money the Order of 1892 shall be repealed.

PART III.

SUPPLY OF GAS.

Gas limits.

17. The limits of this Act for the supply of gas (in this Act referred to as "the gas limits") shall be and include the district and the parishes of Meliden and Dyserth in the county of Flint.

Powers as to maintenance of gasworks.

18. Subject to the provisions of this Act the Council may from time to time after the date of actual payment maintain alter improve enlarge extend and renew or discontinue the existing gasworks upon the lands described in the schedule to this Act so far as the same are for the time being vested in the Council and they may also on the said lands erect lay down provide and maintain alter improve enlarge extend and renew or discontinue the existing and additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other

works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas Provided always that no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act. A.D. 1909.

19. The Council may for the purposes of their gas undertaking purchase take and hold the lands delineated on the deposited plans and described in the deposited book of reference but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act: Power to purchase lands.

Provided that no land belonging or reputed to belong to the vendor her heirs or assigns shall be acquired by the Council compulsorily under this section for other purposes than for or in connection with a railway siding into the gasworks.

20. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

21. The following provisions for the protection of the London and North Western Railway Company (in this section called "the railway company") shall be in force and have effect:— For protection of London and North Western Railway Company.

(1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the company shall not without the previous consent of the railway company under their common seal acquire any portion of the land and property numbered 1 on the said plans in the urban district of Prestatyn:

(2) In laying down and executing or (except in case of urgent necessity) 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 belonging to or used or

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occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans and sections submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at 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 company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations 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 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 bridge or level crossing the Council shall make compensation in respect thereof to the railway company.

Power to purchase lands by agreement for gas purposes.

22. The Council may for the purposes of their gas undertaking purchase take and hold by agreement in addition to the lands comprised in the undertaking to be acquired by them from the vendor any lands and hereditaments adjoining the gasworks not exceeding in the whole three acres which the Council may require for the purposes of their works and undertaking but the Council shall not create or permit a nuisance on any such lands or use the same for the purpose of manufacturing gas or residual products except so far as such lands may be comprised in the lands described in the schedule to this Act.

Limiting price of gas.

23. The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed five shillings and sixpence per one thousand cubic feet.

24.—(1) The Council may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

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Charge for gas supplied by means of prepayment meters.

(2) The Council shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:

The said charge shall include the providing letting fixing repairing and maintenance of the meters and fittings and the cost of collection and other costs incurred by the Council in connexion with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) The Council shall be entitled if they think fit to require a deposit of one shilling in each quarter for a prepayment meter provided that the amount collected from the prepayment meter during such quarter shall be applied in the first place in refunding the said deposit to the person who has paid the same and subject thereto the deposit shall belong to the Council. Notice of the effect of this subsection shall be printed on a card to be attached to every prepayment meter.

(5) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

25. The prescribed number of candles shall be not less than fourteen.

Quality of gas.

26. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing-place shall be a testing-place which shall be provided by the Council on any part of their gasworks.

Testing-place.

27.—(1) The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce

Testing for quality.

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(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Council or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Council shall before supplying or within three months after beginning to supply gas under this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

Pressure.

28.—(1) All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing-place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Council shall afford to the examiner all reasonable facilities for making the test.

Saving as to penalties.

29. No penalty shall be incurred by the Council for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Council.

Power to lay pipes in streets not dedicated to public use.

30. The Council may upon the application of the owner or occupier of any premises within the limits in which the Council are authorised to supply gas abutting on or being erected in

any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay down take up alter relay or renew in across or along such street or road such pipes and other works as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof. A.D. 1909.

31. In order to enable the Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

As to construction and placing of pipes &c. between mains and meters.

- (1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Council's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:
- (2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper (once in each of two newspapers) circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Council at their gasworks:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Council's main but within the outside wall of the building:
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council. Any officer of the Council duly appointed may between nine o'clock in

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the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with:

- (6) Any person to whom the Council refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Council to pay interest on money deposited as security for gas meter &c.

32. If any person is required by the Council to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Council shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to supply gas fittings &c.

33.—(1) The Council may sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this Act shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

34. At least twenty-four hours' notice in writing shall be given to the Council by every gas consumer before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Council.

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Gas consumers to give notice to Council before removing.

35. If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas charges and meter rent due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse supply to persons in debt for other premises.

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

Notice to discontinue supply of gas.

37.—(1) Every consumer of gas supplied by the Council who uses a gas engine shall if required to do so by the Council use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Council may cease to supply him with gas.

Power to require use of anti-fluctuators for gas engines.

(2) The Council shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Council if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

38. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the

Period of error in defective meters.

A.D. 1909. surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Council.

Council may contract with local authority &c. for supply in bulk.

39. The Council may contract with any local authority company or persons supplying gas under parliamentary powers in any district adjacent to the Council's limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond their limits of supply.

PART IV.

WATER.

Raising of gauge at Ffynnon Asaph Spring.

40. Notwithstanding anything in section 21 (For protection of Lord Windsor and Ecclesiastical Commissioners) of the Act of 1901 the Council may alter the gauge provided in pursuance of that section at the Ffynnon Asaph Spring so far as may be necessary in order that the water from the said spring shall at all times be able to pass down the aqueduct conduit or line of pipes (Work No. 1) by that Act authorised as well as the connecting pipes or conduit of four inches diameter authorised by Article 11 of the Order of 1881 and the Council may maintain renew and repair the said gauge as so altered.

Amendment of Act of 1901.

41. Section 20 (Power to take and appropriate waters) of the Act of 1901 is hereby amended by the substitution of the following words namely:—

“Provided that nothing herein contained shall authorise the Council to take use divert or appropriate for the purposes aforesaid a larger quantity of water than five hundred thousand gallons per diem” in place of the words from “provided” to the end of the section.

For protection of Earl of Plymouth and Eccle-

42. For the protection of the Right Honourable Robert George Earl of Plymouth and the Ecclesiastical Commissioners and their respective sequels in title or estate (all and each of whom are

in this section included in the expression "the owners") the following provisions shall apply and have effect (that is to say) :—

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—
siastical
Commis-
sioners.

(1) Nothing in the Order of 1881 the Act of 1901 or this Act shall authorise the Council to collect impound take use divert or appropriate from the Ffynnon Asaph Spring in any one day a larger quantity of water than twenty-five gallons per head of the estimated maximum population within the limits of the Act of 1901 during the month in which that day occurs :

(2) The estimated maximum population within the limits of the Act of 1901 shall be calculated as follows :—

(A) For the period from October first to March fifteenth inclusive it shall be taken to be ten per cent. above the then resident population within the said limits and any dispute as to what is the then resident population shall be settled by the clerk to the Flintshire County Council ; and

(B) For the period from March sixteenth to September thirtieth inclusive it shall be taken to be ten per cent. above such respective number of persons as shall before the fifteenth day of March in each year be for each month or part of a month of such period respectively agreed between the Council and the owners or in case of difference settled by the said clerk as being the total resident and visiting population within the limits aforesaid :

(3) For the purpose of measuring the quantity of water taken from the said spring the Council shall forthwith construct to the satisfaction of the owners suitable meters or gauges at or near the said spring through or over which all waters so taken by the Council shall flow and such meters or gauges shall thenceforth be maintained to the satisfaction of the owners in a proper state of repair by the Council and the same shall at all times be open to the inspection and examination of the owners or any of them or their respective agents duly authorised in writing and the Council shall also keep proper and

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sufficient records of the daily quantity of water so taken by them from the said spring and shall supply copies of such records free of charge to the owners when requested by them so to do :

- (4) If at any time any such meter or gauge shall be out of repair or in an unfit condition for the purpose for which it is intended the Council shall forthwith put the same in fit repair and condition and if they fail to do so within fourteen days after notice in writing given to them in that behalf by the owners or any of them or their said agents the owners or any of them may cause the said meter or gauge to be put in fit repair and condition and may recover the reasonable cost of so doing from the Council :
- (5) If and when the resident population within the limits of the Act of 1901 shall reach the number of ten thousand the Council shall as a condition of taking any greater amount of water from the Marian Brook than they would be entitled to take on the basis of a resident population of ten thousand forthwith take all necessary steps for obtaining the necessary powers to construct and shall thereupon construct a proper and sufficient reservoir to provide compensation water to the Marian Brook and shall from and after the completion of such reservoir during every day of twenty-four hours discharge into the said brook at a point above the lands of the owners such compensation water as an arbitrator to be appointed by the President of the Institution of Civil Engineers shall determine :
- (6) If the Council in any one day take from the said spring a quantity of water in excess of the limited amount fixed by this section or if they fail to comply with any of the other provisions of this section they shall be liable to a penalty of ten pounds for every day in which such excess is taken or on which such failure occurs Provided that no such penalty shall accrue against the Council in respect of the taking of any such excess of water from the said spring if such excess was necessarily taken for the purpose of extinguishing fire :

(7) Any difference which may arise under this section between the Council and the owners or any of them shall except as herein otherwise expressly provided be referred to arbitration under the Arbitration Act 1889. A.D. 1909.

43. The Council shall pay to the vendor her heirs and assigns full compensation for the abrogation by this Act of the rights to which she is entitled by virtue of the proviso to section 20 of the Act of 1901 and for any further damage sustained by her by reason of the exercise by the Council of the powers of this Act for taking a supply of water from the Ffynnon Asaph Spring in addition to the supply to which the Council are now entitled and the amount of such compensation shall in the absence of agreement be determined by arbitration in manner provided by the Lands Clauses Acts. For protection of Lady McLaren.

PART V.

STREETS AND BUILDINGS.

44. The Council may (if in the circumstances of the case they think it expedient to do so) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it would be unreasonable or impracticable for him to comply therewith and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings. Preventing formation of culs-de-sacs.

45.—(1) No person except with the consent of the Council 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 shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof. No building allowed until street defined.

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

46. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which Elevation of buildings erected on

A.D. 1909. 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 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 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 forty shillings 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.

Intersecting streets.

47. No street shall be laid out within the district exceeding one hundred and fifty yards in length without an intersecting street at intervals of not more than one hundred and fifty yards in any such street 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 forty shillings.

Council may define future line of streets.

48.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered 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 to prescribe and define shall be distinctly marked and shown on a plan to be signed by the clerk 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. A.D. 1909.

(2) The Council may and if required so to do by the owner shall purchase the land for the time being unbuilt upon lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Council as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(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 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 any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building 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 offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

49.—(1) The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried (otherwise than by wind) into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully.

For preventing soil and sand from being washed into streets.

A.D. 1909.

(2) 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 forty shillings.

(3) For the purpose of this section "public street" means a street repairable by the inhabitants at large.

For prevent-
ing water
flowing on
footpaths.

50. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of an order of the Council for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

Trees or
shrubs over-
hanging
streets and
footpaths.

51.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort 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 within seven days so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives 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. Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

Exemption
of buildings
of railway
companies.

52. Nothing in this Part of this Act or in any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company used by such company as a part of or in connexion with their railway.

PART VI.

A.D. 1909.

SEWERS AND DRAINS.

53.—(1) The Council may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this section called a "surface-water sewer").

Separate sewers for surface water and sewage may be required.

(2) Where under the provisions of any Acts for the time being in force in the district the Council have power to require any street to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of those Acts shall apply to such sewers accordingly :

Provided that the provisions of this subsection shall not be exercised unless and until the Council shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface water sewers.

(3)—(A) Where in any street separate sewage sewers and surface-water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Council.

(B) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(c) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such premises until the Council have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage

A.D. 1909. thereof and the Council may if they think fit make all such alterations.

Council may require enlarged sewer.

54. If in any street not repairable by the inhabitants at large the Council shall for the purpose of main drainage or otherwise require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

Council may make communications between private drains and their sewers.

55. If the owner or occupier of any premises desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

56. The powers given by section nineteen of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

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

57.—(1) If it appears to the Council that two or more houses 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 of 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 of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners.

(2) 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.

(3) Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Council. A.D. 1909.

PART VII.

SANITARY PROVISIONS.

58. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws and regulations relating to the drainage of new buildings. Reconstruction of drains.

Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

59. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds. Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence. Improper construction or repair of watercloset or drain.

60. If any person wilfully cause any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise stopping up or 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. 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. Wilful damage to drains water-closets &c.

A.D. 1909. — to recover compensation in respect of any damage suffered by him by reason of such act.

Street
orderly bins.

61. The Council may provide and maintain orderly bins for the collection and temporary deposit of street refuse in upon or under the streets or promenades in the district of such dimensions and in such positions as they may from time to time determine.

Regulation
dustbins.

62. The Council may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron or enamelled iron dustbins for the convenient removal of house refuse and such dustbins shall be of such size and construction as may be approved by the Council and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not authorise the Council to require the provision of a dustbin thereunder in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition.

PART VIII.

PUBLIC BUILDINGS.

Power to
provide town
hall and
other build-
ings.

63. The Council may for the purposes of this section enter upon take and use the lands shown upon the deposited plan and described in the deposited book of reference under the heading "Extension of offices" and may with the consent of the Local Government Board erect and construct thereon and hold furnish equip maintain insure and carry on a town hall public hall assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms ante-rooms refreshment rooms kitchens cloak rooms lavatories promenades gardens outbuildings conveniences and appurtenances and may for the purposes thereof alter adapt or otherwise deal with the existing buildings belonging to the Council.

Letting of
public build-
ings.

64. The Council may grant or let with or without charge the use of the whole or any part of any public buildings acquired or constructed by them under the powers of this Act for the purpose of any public or other meetings or any musical or other

entertainments or for other purposes approved by the Council on such terms and conditions as they may think fit. A.D. 1909.

65. Any moneys received by the Council in connexion with the execution of the purposes of this Part of this Act shall be carried to the credit of the district fund. Application of moneys under this Part of Act.

PART IX.

SEASHORE.

66. In this Act the expression "the seashore" means the foreshore and all the beach and sands and any sea-wall or bank adjoining the same within the district. Meaning of expression "seashore."

67. The Council may place or authorise any person or persons to place seats or chairs in any street or on the seashore for the use of the public and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of the seats and chairs and for preventing injury or damage thereto. Seats and chairs may be provided.

68. The Council may erect and maintain a band stand upon any portion of the seashore and the Council may pay or contribute towards the payments of a public band of music provided that the amount of such payments or contributions does not in any year exceed a sum equal to a rate of one penny in the pound on the assessable value of the district for the purposes of the general district rate. The Council may on the seashore inclose an area within which such band shall play and make regulations as to the time and place for the playing of the band the payment to be made for admission within the said inclosure and for securing good and orderly conduct during the playing of the band. Provided always that no payment or contribution shall be made under this section unless incurred in pursuance of a resolution of three-fourths of the whole number of the Council at a meeting of the Council after seven clear days' notice of such meeting and of the intention to propose such resolution. Power to construct band stand and to contribute towards band.

69. The Council may appoint officers for securing the observance of this Part of this Act and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant. Power to appoint officers.

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For protection of owners of lands to which this Part of Act may be applied.

70.—(1) This Part of this Act shall not apply to any lands the property of the vendor her heirs and assigns except with her or their consent and for such period as may be prescribed in such consent.

(2) Nothing in this Part of this Act shall restrict interfere with diminish override or prejudicially affect any rights or powers possessed by Laura Elizabeth Lady McLaren her heirs and assigns with respect to any such lands at the date of the passing of this Act.

PART X.

FINANCIAL PROVISIONS.

Power to borrow.

71. The Council may from time to time borrow at interest—

- (1) For and in relation to the purchase of the undertaking of the company including the costs of transfer on security of the revenue of the gas undertaking of the Council and the district fund and general district rate the sum necessary for the purpose:
- (2) For and in relation to the purchase of land for the extension of the gasworks on security of the revenue of the gas undertaking and the district fund and general district rate the sum necessary for the purpose:
- (3) For and in relation to the improvement and extension of the gasworks on security of the revenue of the gas undertaking of the Council and the district fund and general district rate any sums not exceeding nine thousand one hundred pounds:
- (4) For the purchase of land and the extension and provision of public offices and buildings referred to in the section of this Act the marginal note of which is "Power to provide town hall and other buildings" on security of the district fund and general district rate such sums as the Local Government Board may sanction:
- (5) For payment of the costs charges and expenses referred to in the section of this Act whereof the marginal note is "Costs of Act" on the security of the district fund and general district rate any sums not exceeding the amount ascertained as in that section provided.

72. The Council independently of any other borrowing power may from time to time with the sanction of the Local Government Board borrow at interest such further moneys as may be required for any of the purposes of the gas undertaking on the security of the revenue of the gas undertaking and the district fund and general district rate and for any other of the purposes of this Act on the security of the district fund and general district rate.

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—
Power to borrow additional moneys with consent of Local Government Board.

73. In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act shall not be reckoned and the power of the Council of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Certain provisions of Public Health Act not to apply.

74. The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall apply in the case of all mortgages granted by the Council under this Act as if they were with necessary modifications re-enacted in this Act.

Provisions as to mortgages.

75. A person lending money to the Council shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Protection of lenders from inquiry.

76. All moneys borrowed by the Council under the authority of this Act shall be paid off within the periods hereinafter respectively mentioned (in this Act referred to as "the prescribed period") (that is to say):—

As to repayment of borrowed money.

As to moneys borrowed for the purpose marked (1) in the section of this Act whereof the marginal note is "Power to borrow" within forty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (2) in the said section mentioned within sixty years from the date or dates of borrowing the same;

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

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As to moneys borrowed for the purpose marked (5) in the said section within five years from the passing of this Act;

and with respect to moneys borrowed by the Council under the authority of this Act with the consent of the Local Government Board within such term not exceeding sixty years as the Local Government Board may prescribe.

Mode of payment off of money borrowed.

77. 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 partly by one of those methods and partly by another of them and the payment of the first instalment shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Return to Local Government Board.

78.—(1) The clerk to 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 in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that 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 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 Local Government 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 (whether such instalment

or annual payment is required by this Act or by the Local Government Board in virtue thereof to be paid or appropriated) the Local Government 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 Local Government Board out of the High Court. A.D 1909.

79.—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver: Appoint-
ment of re-
ceiver.

The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

80. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Act which have not been repaid and are intended to be forthwith repaid or in respect of any 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. 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 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. Power to re-
borrow.

81. All money borrowed under the provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended. Application
of money
borrowed.

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Application
of moneys
arising from
sale of lands
&c.

82. The Council shall apply all moneys received by them in respect of any sales exchanges or disposition of lands or premises or any interest therein or by way of fine or premium on any lease of lands or premises made under the authority of this Act and any other moneys received by the Council on capital account under this Act in or towards paying off any moneys borrowed and for the time being owing by the Council under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council. Provided that such moneys received shall not be applicable to the payment of instalments appropriations or annual repayments except to such extent and upon such terms as may be approved by the Local Government Board.

Council not
to regard
trusts.

83. The Council shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan given under the authority of this Act by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Applica-
tion of gas
revenue.

84. The Council shall keep accounts in respect of their gas undertaking separate from all their other accounts distinguishing therein capital from income and shall apply all money from time to time received by them in respect of their gas undertaking except borrowed money and money properly applicable on capital account as follows:—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking:

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of the undertaking:

Thirdly In providing the requisite instalments or payments in respect of moneys borrowed for the purposes of the undertaking: A.D. 1909.

Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking:

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

And the Council shall carry to the district fund so much of any balance remaining in any year of the said money received (together with the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith.

85. If in any year the amount of the gas revenue actual or estimated shall be insufficient for the payment of the charges thereon the deficiency shall be made good by an increase of the general district rate made within one year after such deficiency has been ascertained or estimated and the Council in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the district shall include therein such sum (if any) as in their judgment is necessary to be provided in aid of any deficiency

Provision in case of deficiency of gas revenue.

A.D. 1909. from time to time arising or expected to arise as aforesaid in the gas revenue.

Power to
subscribe to
hospitals
&c.

86. The Council may pay out of the district fund subscriptions or donations not exceeding in the whole ten guineas in any one year for the benefit of any hospital or other charity from which the district derives benefit.

Expenses of
execution of
Act.

87. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

PART XI.

MISCELLANEOUS.

Correction
of errors &c.
in deposited
plans and
books of
reference.

88. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Flint for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Flint and a duplicate thereof shall also be deposited with the clerks of the parish councils in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerks of parish councils respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Evidence of
appoint-
ments &c.

89. Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor

or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman of the Council or clerk shall be *primâ facie* evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document. A.D. 1909.

90. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act. Confirmation of byelaws.

91. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

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

93. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Council or of or by any officer or valuer of the Council or by any conviction or order by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts. Appeal.

94.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authentication and service of notices &c.

A.D. 1909.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Application of penalties.

95. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Council be paid to the treasurer of the Council and be by him carried to the credit of the district fund.

Persons acting in execution of Act not to be personally liable.

96. No matter or thing done or contract entered into by the Council nor any matter or thing done by the clerk or by any member or officer of the Council or any person whomsoever acting under the direction of the Council shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Council.

Inquiries by Local Government Board.

97.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Informations by whom to be laid.

98. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions

of this Act or of any byelaws made thereunder may be laid by an officer of the Council authorised in that behalf or by the clerk. A.D. 1909.

99. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments.

100. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

101. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give). 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 or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the powers of this Act. Costs of Act.

A.D. 1909.

The SCHEDULE referred to in the foregoing Act.

GAS LANDS.

A piece or parcel of land now belonging or reputed to belong to Laura Elizabeth Lady McLaren situate in the parish and urban district of Prestatyn in the county of Flint containing in the whole two acres or thereabouts adjoining and bounded on the south-west by the Prestatyn and Cwm Railway and bounded on all other sides by other land belonging or reputed to belong to the said Laura Elizabeth Lady McLaren which first mentioned piece of land is more particularly shown edged with red on the map deposited with the Board of Trade for the purposes of the Order of 1892.

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