

**CHAPTER xci.**

An Act to empower the Taf Fechan Water Supply Board to construct additional waterworks and for other purposes. A.D. 1924.
—
[7th August 1924.]

WHEREAS by the Taf Fechan Water Supply Act 1921 the Taf Fechan Water Supply Board (in this Act referred to as "the Board") were constituted and incorporated and were authorised to supply water in bulk to the constituent authorities of the Board and others :

And whereas by the same Act there was transferred to the Board that part of the water undertaking of the mayor aldermen and burgesses of the borough of Merthyr Tydfil which is therein referred to as "the Taf Fechan water supply undertaking" and which included certain works the construction of which was authorised by the Merthyr Tydfil Corporation Water Act 1911 together with the rights and powers of the mayor aldermen and burgesses of the borough of Merthyr Tydfil to construct and complete such of the said works as were not then completed :

And whereas by section 27 of the said Act of 1921 provision was made for requiring the Board to provide and construct such works and to take such steps as should be necessary for the purpose of enabling them to supply water to their constituent authorities and it was also provided by the same section that in the event of the powers transferred to or conferred upon the Board

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And whereas to enable the Board to fulfil their duties it is expedient to empower them to construct the works authorised by this Act and it is also expedient to repeal the powers of the Board in relation to the making and maintenance of such of the works authorised by the Act of 1911 as will be rendered unnecessary by such construction :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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

And whereas estimates have been prepared by the Board for the purposes hereinafter mentioned and such estimates are as follows :—

For and in connection with the purchase	£
of land and the construction of the	
works authorised by this Act	- - 265,000

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 plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the 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 respective clerks of the peace for the counties of Brecknock and Glamorgan which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in

this present Parliament assembled and by the authority of the same as follows :—

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PRELIMINARY.

1.—(1) This Act may be cited as the *Taf Fechan Water Supply Act 1924.*

Short and
collective
titles.

(2) This Act and the *Taf Fechan Water Supply Act 1921* may be cited together as the *Taf Fechan Water Supply Acts 1921 and 1924.*

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.

(1) The provisions of the *Commissioners Clauses Act 1847* with respect to the following matters (namely)—

(a) The contracts to be entered into and the deeds to be executed by the commissioners (except section 57); and

(b) The liabilities of the commissioners and legal proceedings by or against the Commissioners :

(2) The *Lands Clauses Acts* with the following exception and modification—

(a) Section 127 of the *Lands Clauses Consolidation Act 1845* (relating to the sale of superfluous lands) is not incorporated with this Act ;

(b) The bond required by section 85 of the *Lands Clauses Consolidation Act 1845* shall be under the common seal of the Board and shall be sufficient without the addition of the sureties mentioned in that section :

(3) The *Waterworks Clauses Acts 1847 and 1863* except the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 and the whole of sections 75 to 83 (both inclusive) of the *Waterworks Clauses Act 1847* :

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- (4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks authorised by this Act and "the centre of the railway" means the centre of such waterworks respectively.

Interpre-
tation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided that for the purposes of this Act "the commissioners" "the promoters of the undertaking" "the company" and "the undertakers" in the provisions of the Commissioners Clauses Act 1847 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Waterworks Clauses Acts 1847 and 1863 as incorporated with this Act mean respectively the Board.

(2) In this Act unless the subject or context otherwise requires—

"The Board" means the Taf Fechan Water Supply Board;

"The clerk" means the clerk to the Board;

"The Act of 1911" means the Merthyr Tydfil Corporation Water Act 1911;

"The Act of 1921" means the Taf Fechan Water Supply Act 1921;

"The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

"Constituent authority" "constituent area" and "the revenues of the Board" have the meanings assigned to them respectively by section 4 (Interpretation) of the Act of 1921;

"Telegraphic line" has the same meaning as in the Telegraph Act 1878.

LANDS AND WATERWORKS.

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4. Subject to the provisions and for the purposes of this Act the Board may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to take lands.

5. The powers of the Board 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.

6.—(1) All private rights of way over any lands which the Board are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Board be extinguished.

Extinction of private rights of way.

(2) Provided that the Board shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

7. The Board and the lord mayor aldermen and citizens of the city of Cardiff may enter into and carry into effect agreements for and in relation to the purchase or user by the Board for the purposes of this Act of the lands canal or water way towing path bridges locks ways flood-gates sluices penstocks wharves quays landing-places and other works which have been or may be acquired by the said lord mayor aldermen and citizens from the company of proprietors of the Glamorganshire Canal Navigation in pursuance of powers conferred upon them by the Cardiff Corporation Act 1920 and the agreement set forth in the Third Schedule to that Act or of any other powers enabling them in that behalf.

Agreements with Cardiff Corporation as to user of canal.

8.—(1) The quantity of common or commonable lands which may be taken by the Board under the powers of this Act shall not exceed the following (that is to say) :—

Limiting quantity of common lands to be taken

Name by which the Lands are known.	Areas in which Lands are situate.	Estimated Quantity to be taken.
Craig-Evan-Leyshon Common.	Urban district of Mountain Ash and urban district of Pontypridd.	3·50 acres.
Coed-Penmaen Common	Urban district of Pontypridd.	0·66 acre.

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(2) The Board shall not acquire the fee simple in possession in any such common or commonable lands but may acquire such easements or rights in the said common or commonable lands as they require for the purposes of this Act and subsections (3) and (4) of the section of this Act of which the marginal note is "Acquisition of easements" shall not apply in respect of those lands.

(3) The surface of any common or commonable lands which may be disturbed by reason of any easement or right acquired under this Act shall as soon as practicable be restored by the Board to its former condition.

Owners
may be
required to
sell parts
only of
certain
premises.

9.—(1) Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Board of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Board and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(a) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Board or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Board that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Board such portion only without the Board being obliged or compellable to purchase the whole the Board paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(c) If within such twenty-one days the owner shall by notice in writing to the Board allege that such portion cannot be so severed the tribunal shall

in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Board have compulsory powers of purchase) can be so severed:

- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Board the portion which the tribunal shall have determined to be so severable without the Board being obliged or compellable to purchase the whole the Board paying such sum for the portion taken by them including compensation for any damage sustained by the owner by the severance or otherwise as shall be awarded by the tribunal:
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Board may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (g) If the tribunal determine that the portion of the scheduled properties specified in the notice to

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treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Board in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 (Parties not to be required to sell part of a house &c.) of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any premises.

Compensation in case of recently acquired interest.

10. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November nineteen hundred and twenty-three if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Acquisition of easements.

11.—(1) The Board may in lieu of acquiring any lands for the purposes of the waterworks authorised by this Act (including the works and conveniences authorised by subsection (2) of the section of this Act whereof the marginal note is "Power to make waterworks") where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing

using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the rights which the Board require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

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(2) As regards any lands in respect of which the Board have acquired easements or rights only under the provisions of this section the Board shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Board to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Board to acquire the lands in respect of which they shall have given notice to treat for an easement or right or to impose any such restriction only.

(4) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this provision.

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

Persons
under
disability
may grant
easements
&c.

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Power to
retain sell
&c. lands.

13. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Board may retain hold and use for the purposes of their undertaking for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other Act for the time being applying to the Board or their undertaking and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds
of sale of
surplus
lands.

14.—(1) So long as any lands remain to be acquired by the Board under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Board shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or under any other powers and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act or any other Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

- (a) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;
- (b) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Any capital moneys received by the Board under the section of this Act of which the marginal note is "Power to retain sell &c. lands" on the re-sale or exchange of or by leasing any lands acquired under any local Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

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15. The Board may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Board for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Board for the purposes of the said undertaking.

Dwelling-houses for persons employed by Board.

16. The Board on selling any lands acquired by them in connection with their undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reserva-
tion of
water
rights &c.
on sale.

17.—(1) Subject to the provisions of this Act the Board may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described.

Power to
make water-
works.

The said works will be situate in the counties of Brecknock and Glamorgan and are :—

Work No. 1 An aqueduct consisting of a line or lines of pipes commencing in the parish of Vaynor by a junction with Work No. 5 authorised by the Act of 1911 and terminating in the borough of Merthyr Tydfil (in this section called "the borough") at or in Work No. 2 hereinafter described :

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Work No. 2 A reservoir or tank to be called "the Cefn-glas Tank" and to be situate in the borough:

Work No. 3 A conduit or waste water channel to be situate in the borough commencing at or in the Cefn-glas Tank (Work No. 2 hereinbefore described) and terminating at or about the Glamorganshire Canal:

Work No. 4 An aqueduct consisting of a line or lines of pipes commencing in the borough at or in the Cefn-glas Tank (Work No. 2 hereinbefore described) and terminating at or about the Goitre Coed Lock of the Glamorganshire Canal:

Work No. 5 An aqueduct consisting of a line or lines of pipes to be situate in the borough commencing at the termination of Work No. 4 (hereinbefore described) and terminating in the main road leading from the borough to Pontypridd:

Work No. 6 An aqueduct consisting of a line or lines of pipes to be situate in the borough and in the urban district of Gelligaer commencing at the termination of Work No. 5 (hereinbefore described) and terminating by a junction with Work No. 7 authorised by the Act of 1911:

Work No. 7 An aqueduct consisting of a line or lines of pipes to be situate in the borough commencing at the termination of Work No. 5 (hereinbefore described) and terminating at the boundary of the borough on the road from the borough to Caerphilly:

Work No. 8 An aqueduct consisting of a line or lines of pipes to be situate in the borough commencing at the termination of Work No. 4 (hereinbefore described) and terminating by a junction with Work No. 6 authorised by the Act of 1911:

Work No. 9 An aqueduct consisting of a line or lines of pipes to be situate in the urban districts of Mountain Ash and Pontypridd commencing at the termination of Work No. 8 (hereinbefore described) and terminating in the road leading from Pontypridd to Llantrisant at the boundary of the Pontypridd Urban District.

(2) The Board may upon lands acquired by them for the purposes of or in connection with their undertaking whether under the provisions of this or any other Act make and maintain all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Act or the existing or authorised waterworks of the Board or for inspecting maintaining repairing cleansing managing working or using the same : A.D. 1924.

Provided that—

- (a) Nothing in this subsection shall exonerate the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them ;
- (b) Any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General.

18. In the construction of the works authorised by this Part of this Act the Board may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that except for the purpose of crossing over a stream canal or railway no part of the aqueducts (other than Work No. 1 by this Act authorised) shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections and in the construction of Work No. 2 authorised by this Act the Board shall unless otherwise agreed in writing with the Rhymney Valley Water Board fully exercise the powers conferred upon them by this section to deviate upwards and construct such work in such a manner that the top water level thereof shall be 895 feet above Ordnance datum. Limits of deviation.

19. If the works authorised by this Part of this Act and delineated on the deposited plans and sections are not completed within the period ending on the eighteenth day of August nineteen hundred and twenty-six then on the expiration of that period the powers by this Act Period for completion of works.

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Temporary
stoppage
of streets.

20.—(1) The Board during the execution of the powers of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such powers and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any house in the street from passing along and using the same.

(2) The Board shall provide reasonable access for foot passengers bona fide going to or returning from any such house and in stopping up any streets temporarily under the provisions of this section the Board shall at all times keep open for vehicular and pedestrian traffic reasonable access to the stations and depôts of any railway company.

Works to
form part of
water under-
taking.

21. Subject to the provisions of this Act the water-works to be constructed by the Board under the authority of this Act shall for all purposes be deemed part of the undertaking of the Board.

Discharge
of water
into
streams.

22.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any existing or authorised waterworks of the Board the Board may cause the water in any such work to be discharged into any available stream watercourse or ditch.

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

Applica-
tion
of Water-
works
Clauses

23. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets.

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or roads of the works authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Board may erect or lay down for the purposes of their undertaking.

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Act 1847
to works
authorised
by this Act.

24. Any telephone or telegraph posts wires conductors or apparatus laid down erected made or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be constructed in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General.

For pro-
tection of
Postmaster-
General.

25. The Board shall have and may exercise within the constituent areas of the constituent authorities the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the said constituent areas shall be deemed to be the district of the Board.

Further
powers in
relation to
water
mains.

26.—(1) The power to make and maintain the works described in this section which power was transferred to the Board by section 10 (Transfer to Board of Taf Fechan water supply undertaking) of the Act of 1921 is hereby repealed but without prejudice to anything done or suffered to be done in respect thereof.

Amend-
ment of
Act of 1911.

(2) The works referred to in subsection (1) of this section are as follows:—

(a) So much of Work No. 5 authorised by the Act of 1911 as lies to the south of the point of commencement of Work No. 1 authorised by this Act;

(b) Work No. 6 authorised by the Act of 1911.

27. Notwithstanding anything contained in this Act the following provisions for the mutual protection of the Board and of the lord mayor aldermen and citizens of the city of Cardiff (in this section referred to as "the corporation") shall except so far as may be otherwise agreed in writing between the Board and the corporation apply and have effect (that is to say):—

For mutual
protection
of Board
and Cardiff
Corporation.

(1) In this section "the canal land" means the lands coloured pink upon the plan which has

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been signed in duplicate by John Colenso Jones on behalf of the Board and Cecil George Brown on behalf of the corporation one copy of which plan has been deposited at the office of the Board and the other with the corporation :

- (2) The following provisions of the Act of 1911 shall with any necessary modifications extend and apply to the exercise by the Board of the powers conferred upon them by this Act as if those provisions (with any such modifications) were set out in this Act namely :—

Section 28 (For protection of Cardiff Corporation) :

Provided that the plans sections and specifications to be delivered to the corporation in pursuance of the said section 28 as so extended and applied shall include plans sections and particulars of any works to be constructed by the Board upon the canal land pursuant to the provisions of this section whether such works will pass over or under or be within ten feet of any water conduit main or pipe or apparatus connected therewith belonging to the corporation or not :

- (3) The Board shall not acquire any part of the canal land or except as by this section expressly provided acquire any easement or right or construct any works or do any thing in on or under the canal land :
- (4) The Board shall have and enjoy the right or liberty to lay down and maintain in on and under the canal land one aqueduct or line of pipes not exceeding thirty-six inches in internal diameter throughout the length of the canal land which lies between a point immediately to the south of Penry Street in the borough of Merthyr Tydfil and a point near to the junction of the Glamorganshire Canal with the Aberdare Canal in the said borough together with such branch pipes and ancillary works as may be necessary or convenient for the purpose of supplying water from or by means of the said aqueduct or line of pipes or of washing out the same or

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any works connected therewith and together also with the right or liberty to lay down and maintain an overflow and washout pipe from Work No. 2 authorised by this Act to the drain which is situate at or near to the termination of Work No. 3 authorised by this Act as shown upon the deposited plans and runs in a south-easterly direction from the canal land into the River Taff and to discharge water from such overflow and washout pipe into such drain Provided that the Board shall not by means of any such branch pipes or otherwise discharge or permit to flow any water on to the canal land or otherwise than into such drains or culverts as may be constructed or utilised by the Corporation for a similar purpose :

- (5) All works to be constructed by the Board in the canal land shall be laid in such lines and situations and at such depths as to permit the laying by the corporation in the canal land (where not already laid) in such position and at such depths as the engineer of the corporation may reasonably determine of an aqueduct or line of pipes in accordance with the statutory power of the corporation and also so as to permit as far as practicable of the laying or placing by them in the canal land of further aqueducts or lines of pipes or works in such a position as not to interfere with or damage the works of the Board constructed at the time of the laying or placing of such further aqueducts or lines of pipes or works by the corporation The Board shall comply with all reasonable directions of the said engineer as to the lines or situations and the depths in and at which the works of the Board are to be laid in the canal land :
- (6) The Board shall within three calendar months from the passing of this Act pay to the corporation the sum of seven thousand pounds :
- (7) The Board shall also pay to the corporation in perpetuity the sum of fifty pounds per annum the first payment of such sum to be made at the expiration of a period of one year from the date of this Act :

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- (8) The corporation shall at all times afford to the Board reasonable facilities for the maintenance repair renewal and cleansing of the said aqueduct or line of pipes and any works connected therewith:
- (9) In the construction maintenance renewal or repair of any waterworks of the corporation the corporation shall not damage or unnecessarily interfere with the aqueduct or line of pipes to be laid down and maintained by the Board under the provisions of this Act and if the corporation shall interfere with the said aqueduct or line of pipes they shall repay to the Board any expense reasonably incurred by them and due to or arising out of such interference:
- (10) In constructing any tunnel or cutting in rock necessary for the laying down and maintenance of the aqueduct (Work No. 4) authorised by the Cardiff Corporation Act 1920 the corporation shall construct such tunnel or cutting of a size sufficient for the laying down and maintenance not merely of that aqueduct but also of the aqueduct or line of pipes referred to in subsection (4) of this section. Provided that the additional expense incurred by the corporation in the construction of such tunnel or cutting of a size greater than would be reasonably required for the laying down and maintenance of the said aqueduct authorised by the said Act of 1920 shall be repaid by the Board to the corporation:
- (11) The exercise by the Board of the powers hereinbefore conferred upon them shall be subject to the provisions of the said Cardiff Corporation Act 1920 and to the terms of the conveyance to the corporation of the canal land except such of the said provisions or terms as are inconsistent with the grant by the corporation to the Board of the easement or right referred to in this section and the Board shall not in relation to the premises do or permit or suffer to be done any act or thing in contravention of any of the provisions of the said Act and terms which are not so inconsistent as aforesaid and the Board

shall indemnify the corporation against any claims demands costs charges damages and expenses which may be made against or incurred by the corporation in consequence of any act or thing done or permitted or suffered to be done or omitted to be done by the Board or their contractors agents or persons employed by them in contravention of the provisions of this section and the corporation shall similarly indemnify the Board against all claims demands costs charges damages and expenses which may be made against or incurred by the Board in consequence of any act or thing done or permitted or suffered to be done or omitted to be done by the corporation or their contractors agents or persons employed by them contrary to such provisions :

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- (12) In the event of the said works of the Board or the easement enjoyed by the Board under this section not being at any time separately rated the Board shall contribute towards any rates payable by the corporation in respect of the canal land or any works in on or under the same a sum bearing to the whole amount of rates payable in respect thereof the same proportion as the value of the works of the Board in on or under the canal land bears to the aggregate value of the works of the corporation and of the Board in on or under the said land :
- (13) Any difference arising between the Board and the corporation under this section or as to anything to be done or not to be done thereunder shall be determined by arbitration under the provisions of section 66 (Arbitration) of the Act of 1921.

28. For the protection of the Merthyr Electric Traction and Lighting Company Limited or their successors and assigns (in this section referred to as "the company") the following provisions shall except so far as may be otherwise agreed in writing between the Board and the company have effect in reference to the works described in or authorised by the sections of this Act

For protection of Merthyr Electric Traction and Lighting Company Limited,

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—

of which the marginal notes are "Power to make waterworks" and "Application of Waterworks Clauses Act 1847 to works authorised by this Act" (that is to say):—

- (1) Where the Board require to dig or sink any trench for the purpose of making or maintaining such works across or under or within two feet of any light railway or tramway or posts or cables of the company (hereinafter referred to as "the property of the company") the Board shall unless otherwise agreed in writing between them and the company and except in case of sudden emergency give to the company not less than three days before commencing to dig or sink such trench notice of their intention so to do together with a plan of the proposed trench and the company shall be entitled to superintend the work and the Board shall conform to such reasonable requirements as may be made by the company for protecting the property of the company from injury or subsidence:
- (2) Any actual interference with or alteration of the property of the company which may be reasonably necessary in consequence of the execution of the said works shall if the company so desire and of such their desire give notice in writing to the Board within the said period of three days be carried out by the company under the supervision (if given) and in accordance with the reasonable directions of the Board and the reasonable expense incurred by the company in so doing shall be repaid to them by the Board:
- (3) The Board shall as far as practicable dig or sink any such trench and carry out any work of construction or maintenance of the said works so as not to affect injuriously the property of the company and in the event of any injury being thereby occasioned to the property of the company the company may at the expense of the Board restore such part of the property of the company as may be injured to as good a state and condition as it was in before such injury was occasioned and the Board shall repay

to the company any costs and expenses which they may reasonably incur in restoring such property in manner aforesaid :

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- (4) Nothing in this Act shall extend to or authorise any interference with any electric lines of the company otherwise than in accordance with and subject to the provisions of section 16 of the Merthyr Tydfil Electric Lighting Order 1899 (confirmed by the Electric Lighting Orders Confirmation (No. 17) Act 1899) which section shall apply for the purposes of this Act as if the Board were a gas or water company :
- (5) Any difference arising between the company and the Board under the provisions of this section shall be referred to and determined by a single arbitrator to be appointed (failing agreement between the parties) by the President of the Institution of Electrical Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

29. For the protection of the most Honourable John Marquis of Bute and Earl of Dumfries Knight of the most ancient and most noble Order of the Thistle (in this section referred to as "the Marquis" which expression shall include the sequels in estate and assigns of the Marquis and Mountjoy Limited) the following provisions shall unless otherwise agreed in writing between the Marquis and the Board apply and have effect (that is to say) :—

For protection of Marquis of Bute K.T.

- (1) The Board shall not under the powers of this Act purchase or take compulsorily the land numbered on the deposited plans 41 42 and 45 in the county borough of Merthyr Tydfil and 17 18 21 and 22 in the parish of Llanwonno or any rights over or with respect to those lands so long as the same are the property of the Marquis except such easements and rights as may be necessary or convenient for constructing maintaining repairing extending enlarging altering reconstructing renewing removing and using the aqueducts or line or lines of pipes

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—

being Works Nos. 1 and 9 by this Act authorised and any subsidiary works in connection therewith (all of which are in this section collectively and singly referred to as "the said aqueducts") but the Board may acquire and the Marquis on being required so to do shall sell and grant to the Board such easements and rights (including rights of occupation) as may be necessary for the construction maintenance repair extension enlargement alteration reconstruction renewal removal and user of the said aqueducts in accordance with the provisions of this Act and the Board shall pay to the Marquis in respect of any such easements or rights such amount as shall in case of dispute be determined by arbitration under and in accordance with the provisions of the Lands Clauses Acts with respect to the settlement of cases of disputed compensation under those Acts :

- (2) The Board shall make compensation to the Marquis his lessees or tenants for any damage to the surface or to any crops animals buildings fences or works of any other kind thereon which may happen by reason of the construction or maintenance of the works of the Board :
- (3) It shall be lawful for the Marquis his lessees and tenants to manage cultivate and develop the lands through or under which the said aqueducts shall be constructed and to work the minerals underlying any such lands in accordance with the law and the custom of mining in the district and to do all acts necessary or convenient for those purposes including the construction of any roads tramways railways or other similar works crossing the said aqueducts without being responsible to the Board for any injury to the said aqueducts whether by subsidence occasioned by working the minerals in manner aforesaid or by reason of pressure from the weight of any such works constructed on the surface or otherwise as aforesaid and any alteration strengthening or protection of the said aqueducts which the Board may consider necessary or desirable on account of any works or operations of the Marquis shall

be carried out at the expense of the Board but before commencing any such work upon the surface or otherwise the Marquis or his lessees or tenants as the case may be shall give to the Board such notice as may be reasonably necessary to enable them to carry out any works of strengthening or supporting the said aqueducts or any diversion of those aqueducts which they may consider necessary to protect the said aqueducts from injury or damage :

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- (4) Any difference which may arise between the Board and the Marquis his lessees or tenants under this section shall except where otherwise provided for be determined by arbitration under the provisions of section 66 (Arbitration) of the Act of 1921.

30. The following provisions for the protection of the company of proprietors of the Glamorganshire Canal Navigation (in this section referred to as "the company" which expression shall for the purposes of subsections (5) and (6) of this section include their successors and assigns) shall notwithstanding anything in this Act contained apply and have effect except so far as may be otherwise agreed in writing between the company and the Board:—

For protection of Glamorganshire Canal Navigation.

- (1) The aqueduct or line or lines of pipes (Work No. 8 by this Act authorised) shall be constructed through under or across the canal of the company at or near the property numbered on the deposited plans 99 in the parish of Llanwonno and the aqueduct or line or lines of pipes (Work No. 9 by this Act authorised) shall be constructed through under or across the canal of the company at or near the property numbered on the deposited plans 44 in the parish of Pontypridd so as respectively to pass under the canal at a depth throughout of not less than three feet below the bed or lowest part thereof and shall be constructed and maintained so as not to injure or endanger the canal :
- (2) The said Work No. 9 where the same is constructed upon or through the canal near the premises numbered on the deposited plans 12 in the parish of Llanwonno shall be constructed on or immediately below the surface of the bed of

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—

the canal of the company and where the said work is constructed upon or through the premises numbered 19 in the same parish the same shall be so constructed as not to obstruct the passage of water along the said canal :

- (3) All works by this Act authorised over in or under the canal including works of maintenance or repair (except in cases of emergency) shall be carried out under the superintendence (if given) and to the reasonable satisfaction of the engineer of the company (hereinafter referred to as "the engineer") and according to plans sections and specifications to be submitted to and reasonably approved by him before any such works are commenced. Provided that if the engineer shall fail to superintend at the time specified in a notice to be given by the Board to the company of their intention to commence the said works (such time being except in cases of emergency not less than fourteen days from the giving of the notice) such works may be executed without his superintendence and that unless the engineer shall give notice of his disapproval of such plans sections or specifications and of the grounds of such disapproval within fourteen days after they shall have been submitted he shall be deemed to have approved thereof :
- (4) The said works shall be executed by and in all things at the expense of the Board and in such manner as not to cause either during or after the construction thereof any reasonably avoidable injury to the canal or other property of the company or interruption to the traffic thereon and if any such injury or interruption shall arise or be occasioned the Board shall make compensation to the company in respect thereof :
- (5) The Board shall not under the powers of this Act purchase or take compulsorily any lands forming part of the canal of the company or the towing-path thereof but the Board may purchase and take and the company shall at the request of the Board sell and grant such easements or rights of using so much of the lands of

the company as may be necessary for the construction maintenance and user of the said aqueducts under and across the canal and towing-path of the company and the Board shall pay to the company in respect of any such easements or rights such a sum as shall in case of dispute be determined by arbitration under and in accordance with the provisions of the Lands Clauses Acts with respect to the settlement of cases of disputed compensation under those Acts :

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- (6) If at any time hereafter the company require under their existing powers to make any improvement or alteration of their canal or to convert the canal into a road or railway at or near the places or one of them where the said aqueducts or either of them shall pass through under or across the same the Board shall at their own cost make such alterations (if any) of the said aqueducts or either of them (as the case may require) as may be reasonably required by the company to enable them to carry out such improvement or alteration and the provisions of this section shall so far as applicable extend and apply to the execution and carrying out by the Board of any such alterations of the said aqueducts or either of them :
- (7) Any difference arising between the Board and the company touching the matters referred to in this section or anything to be done or not to be done thereunder shall be determined by arbitration under the provisions of section 66 (Arbitration) of the Act of 1921.

31. The provisions of subsection (1) (so far as that subsection relates to the construction of the aqueduct or line of pipes (Work No. 8) by this Act authorised) and of subsections (3) (4) (5) (6) and (7) of the section of this Act of which the marginal note is "For protection of Glamorganshire Canal Navigation" shall notwithstanding anything contained in this Act and except so far as may be otherwise agreed between the Board and the company of proprietors of the Aberdare Canal Navigation (in this section referred to as "the company")

For protection of
Aberdare
Canal
Navigation.

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which expression shall for the purposes of the said subsections (5) and (6) include their successors and assigns) apply and have effect with any necessary modifications for the protection of the company as if the company were referred to therein instead of the company of proprietors of the Glamorganshire Canal Navigation.

For pro-
tection of
South
Wales
Electrical
Power Dis-
tribution
Company.

32. For the protection of the South Wales Electrical Power Distribution Company (in this section referred to as "the company") the following provisions shall have effect in reference to the works described in or authorised by the sections of this Act of which the marginal notes are "Power to make waterworks" and "Application of "Waterworks Clauses Act 1847 to works authorised by "this Act" except so far as may be otherwise agreed in writing between the Board and the company (that is to say):—

- (1) At least fourteen days before commencing the construction of any works by this Act authorised which will involve the removal or alteration of any electricity main cable or other work of the company (in this section called "apparatus of the company") or will otherwise affect the same the Board shall submit to the company plans and sections of the works so far as they affect the apparatus of the company and (except in the case of emergency) a notice stating the date when it is proposed to commence the same and if within fourteen days from the submission of such plans and sections the company disapprove thereof or make any requirements in relation thereto such works shall not be commenced until the said plans and sections have been agreed or settled by arbitration as hereinafter provided. Provided that if the company do not within fourteen days after such submission signify their approval or disapproval of the said plans and sections or their requirements in relation thereto they shall be deemed to have approved thereof and the apparatus of the company may be dealt with by the Board only in accordance with such plans and sections and such works so far as they affect the apparatus of the Company shall be executed under the

superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company :

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- (2) If within the said period of fourteen days the company gives notice to the Board that they desire to effect the alteration of any apparatus of the company referred to in subsection (1) of this section and if they effect such alteration with all reasonable despatch after being requested by the Board so to do such alteration shall not be effected by the Board and the Board shall repay to the company the expense reasonably incurred by them in effecting such alteration :
- (3) If any interruption in the supply of electricity by the company or any loss of electricity or damage to apparatus of the company shall be in any way occasioned or sustained by any act or omission of the Board or by any act of any of their contractors agents workmen or servants or any person in the employment of them or any or either of them the Board shall pay to the company by way of compensation such sum as may be agreed or failing agreement as shall be settled by arbitration as hereinafter provided :
- (4) If any difference arises between the Board and the company under the provisions of this section or as to anything done or not to be done thereunder such difference shall be determined by a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

33. For the protection of the Ystradyfodwg and Pontypridd Main Sewerage Board (in this section called "the sewerage board") the following provisions shall unless otherwise agreed in writing between the Board and the sewerage board and notwithstanding anything in this Act contained or shown on the deposited plans and sections be observed and have effect (that is to say) :—

For protection of Ystradyfodwg and Pontypridd Main Sewerage Board.

- (1) (a) If the aqueduct Work No. 9 (by this Act authorised) is constructed so as to cross over

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the main sewer of the sewerage board which is situate in or under the lands numbered on the deposited plans 47 in the parish and urban district of Pontypridd the same shall be constructed in such a position that a vertical space of not less than one foot shall intervene between any part of the said aqueduct (including any works in connection therewith) and any part of the said main sewer and if at such crossing place a vertical space of less than three feet shall so intervene the ground between the said aqueduct and works and the said main sewer shall if required by the engineer of the sewerage board be excavated down to the main sewer and a saddle of concrete of at least one part of cement to five parts of aggregate shall be formed over the sewer extending to the full width of the trench of the said aqueduct and longitudinally under the said aqueduct as far as any part thereof is within three feet (measured horizontally) of any part of the said main sewer and such saddle shall extend downwards on both sides of the said sewer as the sewerage board's engineer shall reasonably direct;

- (b) If the said aqueduct is constructed so as to cross under the said main sewer in the lands referred to in paragraph (a) of this subsection the said aqueduct shall be founded on and surrounded with concrete not less than twelve inches thick brought up to the underside of the said main sewer as the engineer of the sewerage board shall reasonably direct:
- (2) Before commencing the construction repair or renewal of the said aqueduct or any work connected therewith over or under the said main sewer the Board shall submit to the sewerage board for the reasonable approval of their engineer plans and sections of the intended work together with particulars of the proposed mode of construction:
- (3) The construction repair or renewal of the said aqueduct or work shall not be commenced until the said plans sections and particulars have been approved by the engineer of the sewerage

board or settled by arbitration as hereinafter provided Provided always that if within fourteen days from the delivery of the said plans sections and particulars the said engineer shall not have expressed his disapproval thereof he shall be deemed to have approved the same The said works shall be carried out in all respects in accordance with such plans sections and particulars as approved by the said engineer or in case of his disapproval thereof in accordance with plans sections and particulars to be settled by arbitration as hereinafter provided but subject to the provisions of subsection (1) of this section and under the superintendence (if given) and to the reasonable satisfaction in all respects of the said engineer :

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- (4) Not less than seven days' notice in writing shall be given by the Board to the sewerage board before opening the ground within five feet of the said main sewer except in case of emergency when the longest notice possible shall be given :
- (5) The Board shall use their best endeavours to ensure the stability and watertight condition of the said aqueduct where the same is constructed on the lands referred to in subsection (1) of this section and shall make full compensation to the sewerage board for all costs losses damages or expenses which they may sustain by reason of the construction repair or renewal of the said aqueduct and works or any failure thereof :
- (6) If any difference arises under this section between the sewerage board and the Board or between their respective engineers such difference shall be determined by a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

34. For the protection and benefit of the Pontypridd Urban District Council (in this section referred to as "the council") the following provisions shall except so

For protection of Pontypridd Urban

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—
District
Council.

far as may be otherwise agreed in writing between the Board and the council apply and have effect (that is to say) :—

- (1) Simultaneously with the construction of Work No. 9 authorised by this Act where the same is proposed to cross the River Taff in the Pontypridd Urban District the Board shall construct a footbridge not less than four feet in width across the said river at the point where the said Work No. 9 crosses the same Provided that the Board shall be entitled (so far as they may deem it expedient so to do) to utilise the existing piers in or alongside of the said river for the construction of the said Work No. 9 and the said footbridge without payment of any consideration in respect of such user to the council :
- (2) Not less than fourteen days before the Board commence the construction of the said footbridge they shall submit to the council plans sections and particulars thereof and the Board shall take into consideration any representations with regard to such plans sections and particulars which they may receive from the council within such period of fourteen days :
- (3) The Board shall at all times maintain the structure of the said footbridge to the reasonable satisfaction of the council but from and after the completion by the Board of the construction of such footbridge the council shall at all times maintain the surface thereof to the reasonable satisfaction of the Board :
- (4) The Board shall be at liberty from time to time (whenever it may be reasonably necessary for them so to do for the purpose of carrying out alterations in or repairs to the said Work No. 9) to close the said footbridge temporarily and to prevent passengers from crossing the said river by means of the same Provided that (except in cases of emergency) the Board shall give at least three days' notice to the council of their intention to close the said footbridge at any time :

- (5) Any question arising between the Board and the council under the provisions of this section shall be referred to and determined by arbitration under the provisions of section 66 (Arbitration) of the Act of 1921. A.D. 1924.

35. Nothing in this Act shall enable the Board to enter upon break up or interfere with the carriageway of the new road referred to in section 95 (Roadway of new road from Ystrad Mynach to Pengam not to be interfered with except with consent of council) of the Gelligaer Urban District Council Act 1920 otherwise than in accordance with the provisions of that section. For protection of Gelligaer Urban District Council.

36. The Board shall not under the powers of this Act acquire compulsorily any lands which at the date of this Act belong to the Great Western Railway Company or to the London Midland and Scottish Railway Company or to those two companies jointly and are used or intended to be used by them for railway purposes but the Board may acquire compulsorily or by agreement and the said railway companies or either of them (as the case may be) on being requested so to do by the Board shall sell to the Board such rights or easements in the said lands as may be necessary to enable the Board to construct and maintain all or any of the works referred to in the section of this Act of which the marginal note is "Power to make waterworks" or any works ancillary to such works over under or through the railways and property of the said railway companies or either of them and the Board shall in each case pay to the railway company concerned for any such rights or easements which they may so require such railway company to sell to them such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement. For protection of certain railway companies.

37. For the protection of each and every of the constituent authorities and of the local authority of each and every borough or urban or rural district wholly or partly situate in the constituent area of any constituent authority and of the Mountain Ash Urban District Council (each of which is in this section included in the expression "the authority") the following provisions shall unless otherwise agreed in writing between For protection of certain authorities.

A.D. 1924. the Board and the authority apply and have effect with reference to the exercise by the Board of the powers conferred upon the Board by this Act (that is to say):—

- (1) The provisions of subsections (1) to (7) both inclusive of section 33 (For protection of certain authorities) of the Act of 1921 shall apply and have effect for the protection of the authority as if those subsections were with any necessary modifications set out in this section :
- (2) Section 30 of the Waterworks Clauses Act 1847 as incorporated with this Act shall in relation to any street or bridge repairable by the authority be read and have effect as if the word "seven" were substituted for the word "three" in that section :
- (3) Whenever the Board in the exercise of the powers of this Act shall have opened or broken up the road or pavement of any street road or bridge repairable by the authority they shall reinstate and make good such road or pavement to the reasonable satisfaction of the authority and for that purpose section 32 of the Waterworks Clauses Act 1847 shall have effect as if the reinstatement and making good of the road required by that section included the application of a sufficient layer of surface metalling of the same specification as that employed by the authority for the particular road and also included the reasonable use (where usual) of a steam roller on the places where the road has been broken up until the surface thereof has been made uniform with the unbroken surface adjoining :
- (4) Subsection (5) of section 33 of the Act of 1921 shall be read and have effect as if the words "nor shall such breakings up be carried out without leaving a clear space of fifty yards between the consecutive breakings" were added at the end thereof :
- (5) Subsection (6) of section 33 of the Act of 1921 shall be read and have effect as if the words "or bridge" were inserted therein after the words "street or road" :

(6) If for the purpose of repairing altering widening or rebuilding any bridge the authority reasonably require any alteration either temporary or permanent in the position of any mains pipes or other works of the Board or any support to be given thereto the Board shall on receiving notice in writing from the authority so to do alter or support any such works in the manner reasonably required by such notice and with all due expedition and if the Board shall neglect to do or complete any work or act so required by such notice then and in such case the authority may do such work or act causing as little damage or inconvenience to the Board as the circumstances may admit and the expense reasonably incurred in so doing by the authority shall be repaid by the Board to the authority :

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(7) Any difference which may arise between the Board and the authority under the provisions of this section shall be determined by arbitration under the provisions of section 66 (Arbitration) of the Act of 1921.

38. The following provisions of the Act of 1911 and the Act of 1921 shall with any necessary modifications extend and apply to the exercise by the Board of the powers conferred upon them by this Act as if those provisions (with any such modifications) were set out in this Act (namely) :—

Application
of certain
provisions
of Acts of
1911 and
1921.

The Act of 1911—

Section 27 (As to breaking up and reinstatement of roads in county of Glamorgan);

Section 31 (For protection of Merthyr Tydfil Gas Company) :

The Act of 1921—

Section 31 (For protection of Great Western Taff Vale and Rhymney Railway Companies) :

Provided that the said section 31 of the Act of 1921 shall be read and have effect as if the Great Western Railway Company and the London Midland and Scottish Railway Company or those two companies as the case may require were therein referred to in lieu of the railway companies mentioned in the said section.

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FINANCE.

Power to borrow.

39.—(1) The Board may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes set forth in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) The purchase of land and the construction of the works authorised by this Act.	£ 265,000	Sixty years from the date or dates of borrowing.
(b) For the payment of interest during a period of five years from the passing of this Act on any moneys borrowed by the Board for the purposes (a) aforesaid.	The sum requisite.	Sixty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Board may also with the consent of the Ministry of Health borrow such further money as may be necessary for any of the purposes of this Act:

(b) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as “the prescribed period”) as may be prescribed by the Ministry of Health.

(3) In order to secure the repayment of the money borrowed or re-borrowed under this Act and the payment of the interest thereon the Board may mortgage or charge the revenues of the Board.

Return to Minister of Health as to repayment of debt.

40.—(1) The clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Board under the authority of this Act or the Act of 1921.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or other responsible officer of the Board and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk or other officer 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 Minister out of the High Court.

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(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister 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 Minister out of the High Court.

(4) Section 47 (Return to Ministry of Health as to repayment of debt) of the Act of 1921 is hereby repealed.

41. The mortgages issued by the Board the endorsements thereon and transfers thereof may be in the forms contained in the Second Schedule to this Act or any forms to the like effect.

Form of
mortgages
&c. of
Board.

42.—(1) Until the Minister of Health shall on the application of the Board by order direct that this subsection shall cease to be in force (which order the said Minister is hereby authorised to make) the following provisions shall apply and have effect in lieu of the

Further
provisions
as to
apportion-
ment of
deficiency

A.D. 1924.
in net
revenue.

provisions of subsections (1) and (2) of section 49 (Apportionment of deficiency in net revenue of Board) of the Act of 1921 (that is to say):—

(i) Before the commencement of every financial half-year the Board shall make or cause to be made an estimate of the probable revenue and expenditure (other than capital expenditure) which will be received and incurred by them during the half-year and if such estimate shows that there will be a deficiency in the net revenue of the Board for the half-year the Board are hereby authorised and required in every case forthwith to apportion the sum required to meet such deficiency whether for satisfying past or future liabilities between the constituent authorities in proportion to the respective maximum quantities of water per day which the Board may be required to supply to the constituent authorities from and after the date upon which the Taf Fechan Reservoir is completed and filled with water as specified in section 22 (Supply of water to constituent authorities) of the Act of 1921 or as from time to time revised under subsection (13) of that section;

(ii) The Board shall at least one month before the commencement of each financial half-year issue to each of the constituent authorities a precept for a sum equal to the amount apportioned to that authority in pursuance of this section and each of the constituent authorities shall within two months after the commencement of the half-year or by instalments of such amounts and payable within such times as may be specified in the precept issued to them pay to the Board the sum specified in the precept.

(2) As from the date upon which an Order is made by the Minister of Health in accordance with subsection (1) hereof this section shall be repealed and subsections (1) and (2) of the said section 49 shall apply and have effect as if this section had not been enacted.

Amend-
ment of

43. Section 52 (Power to apply funds for certain purposes) of the Act of 1921 shall be read and have effect

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as if the words "outside the constituent area of the constituent authority by whom they are appointed" were omitted therefrom.

—
section 52
of Act of
1921.

44. Paragraph (a) of subsection (1) of section 35 (Power to borrow) of the Act of 1921 shall be read and have effect as if the sum of one million one hundred and eighteen thousand three hundred and fifty-four pounds were mentioned therein instead of the sum of one million four hundred and fifty thousand three hundred and fifty-four pounds.

Reduction
of borrow-
ing powers
under Act
of 1921.

45. Section 37 (Power to constituent authorities to lend money to Board) of the Act of 1921 shall be read and have effect as if the following proviso were added thereto (namely):—

Amendment
of section 37
of Act of
1921.

Provided that the consent of the Ministry of Health shall not be necessary in any case in which a constituent authority proposes to lend to the Board any sum or sums of money for any period not exceeding twelve months.

46. The Board may from time to time lend for any period not exceeding twelve months to any constituent authority any sum of money which is not for the time being required for the purpose for which it was raised and the same shall be lent on such terms and conditions and in such form as may be agreed between the constituent authority and the Board.

Power to
Board to
lend money
temporarily
to con-
stituent
authorities.

MISCELLANEOUS.

47.—(1) The Board may convey to the owners of the churchyard attached to the church known as Capel Taf Fechan in substitution for that churchyard the land described in subsection (2) of this section in lieu of the lands which are firstly described in section 22 (Provision of substituted churchyards) of the Act of 1911.

As to
churchyard
of Capel Taf
Fechan.

(2) The land hereinbefore referred to is a piece of land containing an area of one acre or thereabouts being part of the enclosures numbered 636 637 644 and 646 on the $\frac{1}{2500}$ Ordnance map of Breconshire sheet XLVI—5 (second edition 1904) and such land is more particularly delineated upon a plan signed in duplicate by John Colenso Jones on behalf of the Board and by Thomas Huws Davies and Frank Morgan on behalf of the said

A.D. 1924. owners on which plan the said land is coloured red
— One copy of the said plan shall be held by the Board and the other copy by the said owners.

(3) Notwithstanding anything contained in the Burial Acts 1852 to 1906 the said owners may use the land described in subsection (2) of this section for burials or may allow the same to be so used by any other authority or person.

(4) The provisions of section 22 of the Act of 1911 so far as those provisions relate to Capel Taf Fechan and the lands firstly described in that section are hereby repealed.

Amendment
of section 24
of Act of
1911.

48.—(1) Section 24 (Removal of human remains) of the Act of 1911 shall cease to apply and have effect with reference to the burial ground of the church known as Capel Taf Fechan in the parish of Llandetty and in lieu of that section the following provisions shall apply and have effect in relation to the said burial ground (namely):—

- (a) If and when the Board shall acquire the burial ground of the said church the Board shall before applying or using any part thereof for any of the purposes of the Taf Fechan water supply undertaking remove or cause to be removed the remains of all deceased persons interred in the burial ground proposed to be so applied or used;
- (b) Before proceeding to remove any such remains the Board shall publish a notice for three successive days in two local newspapers circulating in the district to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of paragraphs (c) (d) (e) (f) and (g) of this subsection;
- (c) At any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased persons whose remains are interred in such burial ground may give notice in writing to the Board of his intention to undertake the removal of such remains and thereupon he shall

be at liberty to cause such remains to be removed to and re-interred in a burial ground or cemetery in which burials may legally take place;

- (d) If any person giving such notice as aforesaid shall fail to satisfy the Board that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the county court having jurisdiction in the district in which the church is situate and the registrar who determines the question shall have power to make an order specifying who shall remove the remains;
- (e) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Board such sum to be apportioned if necessary equally according to the number of remains in the grave;
- (f) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Board in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section the Board may remove the remains of the deceased person and cause them to be re-interred in a burial ground or cemetery in which burials may legally take place and which the Board think suitable for the purpose;
- (g) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Board be removed and re-erected at the place of re-interment of such remains or at such place as the registrar of the said county court may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Board and the Board shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument or tombstone as a separate entry and such record shall be deposited

A.D. 1924.

at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General;

(h) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the district.

(2) In its application to the burial ground of the chapel known as Bethlehem Chapel in the parish of Vaynor subsection (5) of the said section 24 shall be read and have effect as if the words "fifteen pounds" were inserted in that subsection in lieu of the words "ten pounds."

Exclusion of section 57 of Commissioners Clauses Act 1847.

49. Section 57 (Notice to be given of contracts to the amount of £100 or upwards) of the Commissioners Clauses Act 1847 shall cease to apply to the Board and to be incorporated with the Act of 1921.

As to appointment of Board by constituent authorities.

50.—(1) Paragraph (2) of Part I. of the First Schedule to the Act of 1921 is hereby repealed but without prejudice to anything done thereunder.

(2) Each constituent authority shall at a meeting to be held in the month of April in each year appoint such members as may be necessary in order to bring the number of members appointed by them up to the number of members of the Board whom they are by the Act of 1921 authorised to appoint to hold office for such period not being less than one year nor more than three years as they may determine.

As to quorum.

51.—(1) Paragraph (4) of Part II. of the First Schedule to the Act of 1921 is hereby amended by the substitution of the words "five members" for "six members" therein.

(2) To constitute a meeting of the Board there must be present representatives of more than one constituent authority.

Amendment of section 54 of Act of 1921.

52. Section 54 (Additional lands) of the Act of 1921 shall be read and have effect as if the words "or of the undertaking of the Board" were therein inserted after the words "for the purposes of this Act."

Applica- tion of pro-

53. The following provisions of the Act of 1921 shall with any necessary modifications extend and apply to and

for the purposes of this Act as if the same were re-enacted in this Act (namely):— A.D. 1924.

- visions of Act of 1921.
- Section 36 (1) (Mode of raising money);
 - Section 38 (Provisions of Public Health Act 1875 as to mortgages to apply);
 - Section 39 (Mode of payment off of money borrowed);
 - Section 40 (Sinking fund);
 - Section 42 (Protection of lender from necessity of inquiry);
 - Section 44 (Appointment of receiver);
 - Section 45 (Power to re-borrow);
 - Section 48 (Application of money borrowed);
 - Section 51 (Expenses of execution of Act);
 - Section 57 (Incorporation of sections 259 and 265 of Public Health Act 1875);
 - Section 58 (Inquiries by Ministry of Health);
 - Section 61 (Justices not disqualified);
 - Section 63 (Recovery of penalties &c.);
 - Section 64 (Recovery of demands);
 - Section 67 (As to authentication and service of notices &c.):

Provided that in such extension and application—

- (a) Subsection (2) of the said section 39 shall be read and have effect as if the words “ or the purpose (b) ” and the words “ authorised by “ the Act of 1911 or the year nineteen “ hundred and twenty-seven ” were omitted therefrom and as if the words “ authorised “ by this Act or the year nineteen hundred “ and thirty ” were inserted in place of the last quoted words;
- (b) The said section 58 shall be read and have effect as if the words “ not exceeding five guineas a day ” were inserted after the words “ and a sum ” in subsection (2) thereof.

54. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the Taxing Officer of the House of Lords or of the House of Commons shall be paid by the Board and may be paid out of the revenues of the Board or out of money to be borrowed by the Board under the powers of this Act. Costs of Act.

A.D. 1924. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LIST OF PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Area.	Numbers on deposited Plans.																				
County borough of Merthyr Tydfil.	23	33	34	35	37	38	39	40	42	43	44	45	46	47	49	76	77	81	82	83	and 93.
Urban district of Mountain Ash.	4	and 6.																			
Urban district of Pontypridd	17 and 51.																				

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

TAF FECHAN WATER SUPPLY BOARD.

By virtue of the Taf Fechan Water Supply Act 1924 and of other their powers in that behalf them enabling the Taf Fechan Water Supply Board (hereinafter referred to as "the Board") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the Board by (hereinafter referred to as "the mortgagee") do hereby grant and assign to the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Board in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed

that the principal sum shall be repaid at the office of the Board A.D. 1924
at [(subject as hereinafter provided) on the
day of nineteen hundred
and or (if not repaid on that date) at any time thereafter
on the expiration of six calendar months' notice in writing by
the Board to the mortgagee or by the mortgagee to the Board]
[by]:

Provided always and it is hereby agreed and declared that
the before-mentioned time for repayment may be extended
to such subsequent day or days and upon any such extension
the before-mentioned rate of interest may be altered to such
other rate or rates of interest as shall from time to time be
agreed upon between the Board and the mortgagee and mentioned
in an endorsement to be made hereon under the hand of the
chairman or clerk of the Board for the time being and that upon
any such endorsement being made whether relating to extension
of time only or to extension of time with alteration of rate of
interest the provisions thereof shall be incorporated herewith
and shall operate and take effect as though they had been originally
inserted herein.

In witness whereof the Board have caused their common
seal to be hereunto affixed this day of
nineteen hundred and

The common seal
of the Board was
hereunto affixed
in the presence of

This mortgage is duly registered in the register of mortgages
kept by me pursuant to the provisions in that behalf.

Dated this day of nineteen
hundred and

The within-named consenting
the within-mentioned time for repayment of the within-
mentioned principal sum of is
hereby extended to the day of
nineteen hundred and [and the interest
to be paid thereon on and from the day
of nineteen hundred and is
hereby declared to be at the rate of
per centum per annum].

Dated this day of
nineteen hundred and

Witness

[Ch. xci.]

Taf Fechan [14 & 15 GEO. 5.]
Water Supply Act, 1924.

A.D. 1924.

FORM OF TRANSFER OF MORTGAGE.

TAF FECHAN WATER SUPPLY BOARD.

I (the within-named) of
in consideration of the sum of pounds
paid to me by of
(hereinafter referred to as "the transferee") do hereby transfer
to the transferee (his) executors administrators and assigns
(the within-written security) (the mortgage number
of the revenues of the Taf Fechan Water
Supply Board bearing date the day of
) and all my right and interest under the same
subject to the several conditions on which I hold the same at
the time of the execution hereof and I the transferee for myself
my executors administrators and assigns do hereby agree to take
the said mortgage security subject to the same conditions.

Dated this day of nineteen
hundred and

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FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
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