



CHAPTER xxxvii.

An Act to merge the several water undertakings of the Neath Rural District Council in one undertaking to confer further powers on the Council with respect to the combined water undertaking and the finances of their district to amend the Ystradfellte Water Acts 1902 and 1912 and for other purposes. [2nd July 1928.] A.D. 1928.

WHEREAS the rural district of Neath in the county of Glamorgan is under the jurisdiction of the Neath Rural District Council (hereinafter called "the Council") and the affairs of the parish of Ystradfellte which constitutes a rural district in the county of Brecknock are administered by the Council in pursuance of the Ystradfellte (Temporary Administration of Rural District) Order 1894 made by the Local Government Board under section 24 of the Local Government Act 1894 :

And whereas in order to enable the Council to supply water in their district and in the said parish of Ystradfellte they were authorised by the Ystradfellte Water Acts 1902 and 1912 to construct an impounding reservoir and other waterworks which have since been completed and to exercise other powers :

And whereas the expenses of the execution by the Council of the said Acts of 1902 and 1912 are required by those Acts to be paid out of the revenue of the water undertaking authorised by those Acts and if that revenue

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A.D. 1928. — is insufficient as special expenses incurred by the Council under the Public Health Act 1875 and chargeable on the whole of their district (except the parish of Baglan Lower and part of the parish of Llantwit Lower which were then supplied with water by the Briton Ferry Urban District Council and the Neath Corporation respectively) and on the said parish of Ystradfellte :

And whereas for the purpose of distributing in the several parts of their district the water which the Council were authorised by the said Acts of 1902 and 1912 to appropriate and use the Council have laid mains and constructed works under the Public Health Act 1875 and the Public Health (Water) Act 1878 and the expenses relating to those mains and works are defrayed as special expenses under the Public Health Act 1875 chargeable on the respective parishes in which the said mains and works are respectively situate :

And whereas the Council are also carrying on in parts of their district separate water undertakings established under the said Acts of 1875 and 1878 as follows :—

- (i) In the parishes of Coedffranc and Duffryn Clydach with water obtained from springs at Darren ;
- (ii) In the parish of Blaenhonddan with water obtained from springs at Cilfrew ;
- (iii) In the parishes of Blaengwrach and Resolven with water obtained from springs at Cwmgwrach in the parish of Resolven ;
- (iv) In the parish of Baglan Higher with water obtained from springs near Blaenavon Farm ; and
- (v) In the parish of Rhigos with water purchased in bulk from the Rhondda Urban District Council ;

and the expenses of these separate water undertakings are defrayed as special expenses under the Public Health Act 1875 chargeable on the said respective parishes :

And whereas in the year 1908 the parish of Rhigos was added to the Council's district and in the years 1921 and 1922 the said parish of Baglan Lower and part of the parish of Llantwit Lower (including the portion of that parish not chargeable by the Council with deficiencies

in the revenue of the Council's water undertaking) and the parish of Michaelstone Lower were excluded from the Council's district and the said parishes and portion of parish do not now form part of the Council's limits for the supply of water and the mains and other waterworks of the Council in the parish of Michaelstone Lower (including a separate water undertaking which the Council had established in that parish under the provisions of the said Acts of 1875 and 1878) have been transferred to the Port Talbot Corporation : A.D. 1928.

And whereas it is expedient that the several water undertakings and waterworks of the Council be merged in one undertaking and that all loans raised for the purposes of or in connection with the several separate water undertakings shall be secured on the general rate and general rate fund of the district and that any deficit in the revenue of the said combined undertaking shall be paid out of the general rate and general rate fund of the whole of the district and of the parish of Ystradfellte :

And whereas the demands for water in the district have increased and are increasing and for the purpose of enabling the Council to meet those demands it is expedient to authorise them to construct the works in this Act described and to borrow further money :

And whereas it is expedient that the rates and charges leviable by the Council for the supply of water within their district and the said parish of Ystradfellte be increased and that further powers be conferred on the Council with reference to their combined water undertaking as in this Act mentioned and that the other provisions of 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 Council for the purposes hereinafter mentioned and such estimates are as follows :—

The construction of the reservoir authorised by this Act	£
- - - -	1,344
The construction of the conduits authorised by this Act	
- - - -	51,040

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

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A.D. 1928. — And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to those plans 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 clerk of the peace for the counties of Brecknock and Glamorgan and are in this Act respectively referred to as the deposited plans sections and book of reference :

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

PRELIMINARY.

Short and
collective
titles.

1.—(1) This Act may be cited as the *Ystradfellte Water Act 1928.*

(2) The *Ystradfellte Water Acts 1902 and 1912* and this Act may be cited together as the *Ystradfellte Water Acts 1902 to 1928.*

Incorporation and
application
of general
Acts.

2.—(1) The following Acts (so far as applicable for the purposes and not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act (namely) :—

The *Lands Clauses Acts* except section 127 of the *Lands Clauses Consolidation Act 1845* Provided that the bond required by section 85 of the said Act of 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section :

The *Waterworks Clauses Acts 1847 and 1863* except sections 75 to 82 of the said Act of 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts.

(2) In the application to the Council of section 35 of the *Waterworks Clauses Act 1847* that section shall

be read and have effect as if the words "one-eighth part" were substituted therein for the words "one-tenth part." A.D. 1928.

(3) In the application to the Council of section 44 of the Waterworks Clauses Act 1847 that section shall be read and have effect as if the words "with the consent" "in writing of the owner or reputed owner of any such" "house or of the agent of such owner" were omitted therefrom and as if the words "in case the occupier shall" "make default in payment of such rent and the owner" "shall have required a supply of water to such house" were inserted therein in lieu of the words "in his default."

3.—(1) In this Act unless there be something in the subject or context repugnant to such construction 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 And unless the context otherwise requires— Interpretation.

- "the district" means the rural district of Neath;
- "the Council" means the rural district council of the district;
- "the clerk" means the clerk to the Council and includes any person duly authorised to discharge temporarily the duty of that officer;
- "the Act of 1902" means the Ystradfellte Water Act 1902;
- "the Act of 1912" means the Ystradfellte Water Act 1912;
- "the Acts of 1902 and 1912" means the Act of 1902 and the Act of 1912;
- "the limits of supply" means the limits for the supply of water by the Council;
- "the water undertaking" means the water undertaking of the Council as from time to time authorised;
- "the new works" means the conduits and reservoir described in subsection (1) of section 4 (Power to make works) of this Act;
- "the appointed day" means the first day of April nineteen hundred and twenty-nine;

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

“ the Public Health Acts ” means the Public Health Acts 1875 to 1925 and the Acts amending or extending those Acts;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act 1919;

“ 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;

“ the existing water loans ” means all the loans which have been or may prior to the appointed day be raised by the Council for the purposes of or in connection with (i) the water undertaking authorised by the Acts of 1902 and 1912 or (ii) any of the separate water undertakings of the Council established under the Public Health Acts or (iii) the distribution and supply of water under the powers of any of the aforesaid Acts and which shall be outstanding at the appointed day;

“ statutory security ” means any security 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;

“ statutory borrowing power ” has the same meaning as in the Act of 1912;

“ the Minister ” means the Minister of Health.

(2) The expression "statutory security" wherever used in the Acts of 1902 and 1912 shall after the passing of this Act have the meaning given to that expression by this section in lieu of the meaning given by section 3 of the Act of 1902. A.D. 1928.
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WORKS AND LANDS.

4.—(1) Subject to the provisions of this Act the Council may in the lines and situations and on or under the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the works hereinafter described and may enter upon take and use such of the said lands as may be required for that purpose. The works hereinbefore referred to will be situate in the counties of Brecknock and Glamorgan and are— Power to make works

A conduit (No. 1) (consisting of a line or lines of pipes) in the parish of Ystradfellte commencing by a junction with the conduit (No. 1) authorised by the Act of 1902 in the public road leading from Mellte Castle to Penderyn at a point about 457 yards south-eastwards of the bridge over the river Dringarth adjoining Mellte Castle and terminating at Gwaun Bryn Bwch in the public road leading from Ystradfellte Village to Glyn Neath at a point about 400 yards south-west of Nant-y-Carad Farm:

A conduit (No. 2) (consisting of a line or lines of pipes) in the parishes of Tonna Blaenhonddan Dyffryn Clydach and Coedffranc in the district and in the borough of Neath commencing in the said parish of Tonna by a junction with the conduit (No. 2) authorised by the Act of 1902 at or near the eastern boundary of the site of the reservoir (No. 7) authorised by that Act and terminating in the parish of Coedffranc at or near the main entrance to the National Oil Refineries Works from the road leading from Skewen to Jersey Marine and Swansea:

A conduit (No. 3) (consisting of a line or lines of pipes) in the parishes of Dulais Higher and Dulais Lower in the district commencing by a junction with the existing line of pipes of the Council at or near the entrance from the Dulais

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Valley Road to the Old Crynant Church and terminating in the said road at a point about 33 yards southwards from the stream (known as Llwyngruffyd Stream) which crosses under the said road about 156 yards north-west of Llwyngruffyd Farm House :

A conduit (No. 4) (consisting of a line or lines of pipes) with intake in the parish of Baglan Higher in the district commencing in the stream known as Blaenavon Stream at or near a point 13 yards south-east of the northern-most corner of the enclosure numbered 79 on the Ordnance map (scale $\frac{1}{2500}$) edition of 1919 Glamorgan sheet No. XVI—II and terminating in the reservoir authorised by this Act :

A reservoir in the said enclosure Nod. 79 :

A conduit (No. 5) (consisting of a line or lines of pipes) in the said parish of Baglan Higher commencing in the reservoir authorised by this Act and terminating in the public road known as John's Street Tonmawr at or near its junction with the passage leading to the Wesleyan Chapel at Tonmawr.

(2) In addition to the foregoing works the Council may on and under the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this subsection shall exonerate the Council from any action indictment or other proceeding for nuisance if any nuisance is caused or permitted by them.

Limits of
deviation.

5. In the construction of the new works the Council may deviate to any extent within the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of the road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections downwards to any extent and upwards to any extent not exceeding in the case of the reservoir authorised by this Act five feet and in the case of other works ten feet Provided that—

(a) the Council shall not construct any embankment or wall of the said reservoir of a greater height

above the general surface of the ground than A.D. 1928.
that shown on the deposited sections in respect
of the corresponding embankment or wall and
three feet in addition;

(b) except for the purposes of crossing over a stream
no part of the conduits authorised by this Act
shall be raised above the surface of the ground
unless and except so far as is shown on the
deposited sections; and

(c) no works shall be constructed under the powers
of this Act on the banks or bed of the river
Neath.

6. Subject to the provisions of this Act the Council
may by means of the conduit (No. 4) and the intake and
works in connection therewith authorised by this Act
collect impound take use divert and appropriate for the
purposes of the water undertaking the waters of the
stream known as the Blaenavon Stream and all such
springs streams and waters as can or may be intercepted
by the said works or any of them. Power to
take
waters.

7. The Council shall not construct any works for
taking or intercepting water from any lands acquired by
them after the passing of this Act under the powers of
the Acts of 1902 and 1912 or this Act unless the works
are authorised by and the lands on which the same are
to be constructed are specified in this or some other Act
of Parliament. Limiting
power of
Council to
abstract
water.

8. If the new works are not completed before the
first day of January nineteen hundred and thirty-four
then as from that date the powers by this Act granted
for the making of them respectively or otherwise in
relation thereto shall cease except as to such of them or
so much thereof respectively as shall then be completed
Provided that the Council may alter improve enlarge
extend renew reconstruct or discontinue any of their
works and plant and in the case of the conduits authorised
by this Act lay down additional lines of pipes as and when
occasion may require. Period for
completion
of works.

9.—(1) The Council may in lieu of acquiring any
lands for the purposes of the new works or any works in
connection therewith by this Act authorised where the
same are intended to be constructed underground (which
Council may
acquire
easements
only in

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—
certain
cases.

expression shall include tunnelling piping covered channeling or any other method of constructing an aqueduct or waterwork underground) acquire such easement or rights only in such lands as they may require for such purposes (including the making enlarging maintaining repairing renewing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Council 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 shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Council have acquired easements or rights only under the provisions of this section the Council 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 on 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 that nothing in this section shall authorise the Council to acquire by compulsion any such easement or right or to impose any such restriction in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement 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 a copy of this section.

Council may
acquire
certain
easements
compul-
sorily.

10. Notwithstanding anything in this Act the Council may purchase and acquire an easement or right of constructing maintaining renewing and using or removing the works authorised by this Act in under or over any railway river or stream without the Council being obliged or compellable to purchase any greater interest in under or over the same respectively.

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

A.D. 1928.

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 Persons under disability may grant easements &c.

12. The powers of the Council for the compulsory purchase of lands for the purpose of this Act shall cease on the thirty-first day of October nineteen hundred and thirty-one.

Period for compulsory purchase of lands.

13. In determining any question as to 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 erected after the first day of November nineteen hundred and twenty-seven if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation under this Act nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Council of such lands.

Compensation limited in certain cases.

14. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment

Power to enter upon property for survey and valuation.

A.D. 1928. — on account of entering or continuing upon any part of
the said lands and buildings.

Power to
retain
sell &c.
lands.

15.—(1) Notwithstanding anything in the Lands
Clauses Acts or in any other Act or Acts to the contrary
the Council may retain hold and use 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 either in consideration of the execution of
works or of a supply of water 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
for the purposes of the water undertaking and may sell
exchange or dispose of any rents reserved on the sale
lease exchange or disposition of such lands or interests
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:

Provided that the Council shall not without the
consent of the Minister sell lease exchange or otherwise
dispose of any such lands or any interests therein at a
price or rent or for a consideration of a value less than
the current market value of such lands or interests but
the purchaser or lessee shall not be concerned to inquire
whether the consent of the Minister is necessary or has
been obtained.

(2) Nothing in this section shall be taken to dispense
with the necessity for obtaining the consent of any
Government department to any sale lease appropriation
or other disposition of any lands of the Council in any
case in which such consent would be required if this Act
had not been passed.

(3) Nothing in this section shall release the Council or
any person purchasing or acquiring any lands from them
under this section from any rents covenants restrictions
reservations terms or conditions made payable by or con-
tained in any conveyance lease or other deed or instru-
ment by which any such lands were or may hereafter be
conveyed or leased to or otherwise acquired by the
Council or any person from or through whom the Council
may have derived or may hereafter derive title to the
same but all such rents covenants restrictions reservations
terms and conditions shall remain and be of as full force

and effect and may be recovered exercised enjoyed and A.D. 1928.
enforced in like manner and to the same extent as if this —
Act had not been passed.

16. The Council on selling leasing exchanging or otherwise disposing of any lands acquired by them in connection with the water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition 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 :

Reservation of water rights &c. on sale.

Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease or other disposition of any lands of the Council in any case in which such consent would be required if this Act had not been passed.

17. The Council may on all or any of the lands for the time being held by them for the purposes of the water undertaking execute for the purposes of or in connection with the water undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells or works for taking or intercepting water) Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands (so long as the same are held by them) nor erect any building thereon except such buildings and works as may be incident to or in connection with the water undertaking.

PROVISIONS AS TO SUPPLY OF WATER.

18. The limits for the supply of water by the Council are hereby declared to be and shall be the whole of the district as constituted at the passing of this Act and the parish of Ystradfellte in the county of Brecknock.

19. As from the appointed day the separate water undertakings established by the Council under the Public

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takings of
Council.

Health Acts (whether before or after the passing of the Act of 1902) in any particular parish or place and all lands mains pipes and other works which have been or shall before the appointed day be acquired leased laid or executed by the Council under the said Acts for the purposes of or in connection with the supply of water and the undertaking authorised by and the works constructed or purchased and the lands acquired under the Acts of 1902 and 1912 and this Act shall be held by the Council for all purposes as one undertaking for the benefit of the whole of the limits of supply.

Application
of certain
provisions
of Act of
1902 to
whole water
under-
taking.

20. The words "their water undertaking" in section 12 (Power to purchase additional lands by agreement) section 13 (Dwelling houses for Council's water employees) and section 21 (Application of Waterworks Clauses Act 1847 to discharge pipes and to telephones) of the Act of 1902 shall after the appointed day be deemed to mean the water undertaking as defined in this Act and those sections shall be construed accordingly. Provided that section 21 of the Act of 1902 shall be construed and take effect as if the following words were added at the end of the said section "or be so erected" "or laid down as to interfere with any telegraphic line" (as defined by the Telegraph Act 1878) belonging to "or used by the Postmaster-General or with telegraphic communication by means of any such line."

As to com-
munication
pipes.

21.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus used for or in connection with the supply of water by the Council the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and be subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Council may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the limits of supply execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

22. Notwithstanding anything in any Act relating to the Council the Council shall have the exclusive right of executing any works on any of the water mains of the Council for connecting any communication pipe therewith and the Council shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Council execute on any such main any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and any expenses incurred by the Council in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

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Council to
connect
communi-
cation
pipes with
mains.

23. If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been ascertained the expense incurred by the Council for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Council from the owner of the premises supplied or if the communication pipe is repairable by the occupier of such premises from the occupier :

Power to
Council to
repair
communi-
cation
pipes.

Provided that except in emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and if the communication pipe is repairable by the owner of such house or premises to such owner not less than twenty-four hours' previous notice of their intention so to enter.

24. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such

Mainten-
ance of
common
pipe.

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A.D. 1928. — pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

As to provision of separate pipe.

25. If the owner of any house supplied with water by the Council when so required in pursuance of section 23 (Council not bound to supply several houses by one pipe) of the Act of 1912 fails within a period of three months after the receipt of such requirement to provide a separate pipe from the main into such house the Council may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

Cisterns.

26. The Council may require that any dwelling-house erected after the passing of this Act within the limits of supply at a higher level than fifty feet below the service reservoir or tank from which it is supplied shall be provided with a cistern having a capacity equal to thirty gallons per head of the persons ordinarily occupying such house at the time when a supply of water for domestic purposes is first furnished to such house and the Council shall not be bound to supply any such house with water for domestic purposes until such cistern is provided.

Register of meter to be prima facie evidence.

27. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed. Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring meters &c.

28.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the

quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy of the Council in relation thereto) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. A.D. 1928.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fitting belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use (as the case may be) has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

29. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of their surveyor or some other officer of the Council to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose

Power to
remove
meters and
fittings.

A.D. 1928. of removing and may remove every such pipe meter and
— fitting repairing all damage caused by such entry or
removal.

PROTECTIVE PROVISIONS.

For pro-
tection of
Glamorgan
County
Council.

30. Notwithstanding anything in the Acts of 1902 and 1912 or this Act or any incorporated enactment the following provisions for the protection of the Glamorgan County Council (hereinafter referred to as "the county council") shall unless otherwise agreed between the county council and the Council have effect (that is to say) :—

- (1) Section 30 of the Waterworks Clauses Act 1847 (as incorporated with the Acts of 1902 and 1912 and this Act) shall in relation to any main road county bridge or road repairable with a county bridge in the county of Glamorgan have effect as if the word "seven" were substituted for the word "three" in that section :
- (2) Whenever the Council in the exercise of the powers of this Act shall have opened or broken up the roadway or pavement of any main road in the county of Glamorgan they shall reinstate and make good the road or pavement to the reasonable satisfaction of the county council 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 used on the particular road laid on a prepared foundation of pitched stone ballast not less than nine inches thick when consolidated the whole to be rolled with a steam or other approved roller of suitable weight so as to make the disturbed portion of the road uniform with the adjoining undisturbed surface :
- (3) If for the purpose of repairing altering diverting or widening any main road or county or main road bridge in the county of Glamorgan or of rebuilding any such bridge the county council require any alteration (either temporary or permanent) in the position of any mains pipes

or other works of the Council laid or executed under the powers of this Act in or under such road or in on or attached to such bridge or any support to be given thereto the Council shall on receiving twenty-eight days' notice in writing under the hand of the clerk or surveyor of the county council 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 Council shall neglect to do or complete any work or act so required by such notice then and in any such case the county council may do such work or act causing as little damage or inconvenience to the Council as the circumstances may admit. Provided that if such mains pipes or other works of the Council are situate in or under a main road the county council shall repay to the Council any expenses reasonably incurred by the Council in complying with the requirements of any such notice and if the mains pipes or other works are situate in or on or are attached to any county or main road bridge one-half of the expense reasonably incurred by the Council or the county council in complying with the requirements of any such notice shall be repaid to or by the Council by or to the county council as the case may require :

- (4) Any difference which may arise between the Council and the county council under the provisions of subsections (2) and (3) of this section shall be determined by an arbitrator.

31. For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") the following provisions shall unless otherwise agreed between the Great Western Company and the Council apply and have effect (that is to say) :—

For protection of Great Western Railway Company.

- (1) Conduits (Nos. 2 and 3) and any other main or pipe laid under the powers of this Act in a road passing over the railway of the Great Western Company or across that railway on the level shall for their entire length across the railway

A.D. 1928.

- be constructed of steel or iron and founded on and surrounded by a sufficient thickness of Portland cement concrete or if laid in a road crossing the railway on the level enclosed in a subway to be constructed and maintained by the Council and no part of any work so constructed under any such last mentioned road shall be less than three feet below the level of the rails of the railway at the point of crossing :
- (2) In constructing the new works where they will pass over or under the railway of the Great Western Company the Council shall not deviate from the levels shown on the deposited sections except with the consent of the Great Western Company :
- (3) The Council shall not except with the consent of the Great Western Company (which consent shall not be unreasonably withheld) construct on or under any railway or property belonging to or used by the Great Western Company any buildings machinery works and apparatus authorised by subsection (2) of the section of this Act of which the marginal note is " Power to make works " :
- (4) The construction laying down and execution and also (except in emergency) the repair renewal enlargement or alteration of any work of the Council by this Act authorised which may be situate upon across over or under or may in any way affect any railway or property belonging to or used by the Great Western Company shall be done by and in all things at the expense of the Council (except as in this section is otherwise provided) and under the superintendence (if given) and to the reasonable satisfaction of the engineer of the Great Western Company and at such time or times as he shall reasonably approve and so as not to interfere with the structure of any such railway or of any bridge belonging to the Great Western Company and (except in emergency or in cases of repair) according to plans sections and particulars to be submitted to and reasonably approved by the said engineer before any such works shall

be executed. Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof :

A.D. 1928.

- (5) The Council shall restore and make good to the reasonable satisfaction of the said engineer the railway and other property of the Great Western Company and the roads over or under any bridge or over any level crossing of such railway or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any of the operations of the Council under the powers of this Act :
- (6) If the Great Western Company so elect they may themselves execute and maintain the said works (other than the actual laying down and maintenance of the aqueducts pipes and other water-works) and may if they shall have given not less than twenty-one days' notice of such their election to the Council before commencing the work recover the reasonable costs of so doing from the Council (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the Great Western Company in and about such works) :
- (7) All such works shall be constructed executed and maintained so as to cause as little injury or damage as is reasonably practicable to the railway or other property of the Great Western Company and no interruption to the passage or conduct of traffic over such railway. If any such injury or damage shall arise from the acts or operations of the Council under the powers of this Act or by reason of the failure of the Council to maintain any work of the Council by this Act authorised or the bursting leakage or failure of any such work under or near to any railway or other property of the Great Western Company the injury or damage shall forthwith be made good by the Council at their own

A.D. 1928.

expense and to the reasonable satisfaction of the said engineer and the Council shall indemnify the Great Western Company from all claims in respect of any such injury or damage or any such interruption as aforesaid and shall make compensation to the Great Western Company for and in respect thereof including any compensation payable as aforesaid and compensation for any disturbance of traffic which the construction or maintenance of the said works may entail :

- (8) If the Council fail to make good such injury or damage as aforesaid or fail to maintain all such works (where they pass under over or in any way affect the railway or other property of the Great Western Company) in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or if there is emergency (of which the said engineer shall be the sole judge) the Great Western Company may make good the same and make and do in and upon the lands of the Council and their own lands all such repairs and things as may be reasonably requisite and recover the reasonable expense thereof (including compensation payable as aforesaid) from the Council :
- (9) If it should be necessary during the construction or by reason of the existence of any work authorised by this Act to alter any of the telegraph telephone or signal posts or wires or other work or apparatus belonging to or on the railway of the Great Western Company the Great Western Company may effect such alterations and the Council shall repay to them the reasonable expenses incurred by them in and connected with such alterations :
- (10) The Council shall not under the powers of this Act acquire compulsorily any lands of the Great Western Company save and except that the Council may acquire and the Great Western Company on being required so to do by the Council shall sell to the Council such a right or easement as may be necessary to enable the Council to construct and maintain conduit

(No. 2) and works connected therewith by this Act authorised over or under the railway and other property of the Great Western Company and the Council shall pay to the Great Western Company for any right or easement which they may so require the Great Western Company to sell 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 : A.D. 1928.
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- (11) The Council shall bear and on demand pay to the Great Western Company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of any works under the powers of this Act over or across the railway or other property of the Great Western Company of such inspectors signalmen or watchmen to be appointed by the Great Western Company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person or persons in the employ of the Council or their contractors :
- (12) If the Great Western Company at any time or times hereafter require (of which they shall be the sole judges) to exercise any powers vested in them at the date of the passing of this Act of constructing any additional or other works upon their lands or railway or of extending altering or repairing their railway or other works upon across over or under which any of the works of the Council may have been constructed or laid under the powers of this Act the Great Western Company may after giving to the Council twenty-eight days' notice in writing under the hand of their secretary or general manager or in case of emergency (of

A.D. 1928.

- which the said engineer shall be the sole judge) after giving such notice as is reasonably practicable divert support or carry the said works of the Council across over or under their railway or other property at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be and so as not to interrupt or interfere with the supply of water more than may be necessary without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works or any such interruption or interference. Provided that any works executed by the Great Western Company under this subsection shall be executed under the superintendence (if given) and to the reasonable satisfaction of the Council :
- (13) Any additional expense which the Great Western Company may reasonably incur in widening altering reconstructing repairing or maintaining their railway or other works under any powers vested in them at the date of the passing of this Act by reason of the existence of the works of the Council laid or executed under the powers of this Act upon across over or under the same shall be paid by the Council :
- (14) The Council shall not without the previous consent of the Great Western Company exercise the powers conferred on them by the sections of this Act of which the marginal notes are " As to communication pipes " and " Power to Council to repair communication pipes " in respect of any street which is the property of the Great Western Company but such consent shall not be unreasonably withheld :
- (15) Nothing in this section shall prejudice alter or affect the rights of the Great Western Company or the Council under any agreement between them relating to the mains pipes or other works of the Council and where the provisions of such agreement are inconsistent with the provisions of this section the provisions of the said agreement shall apply :

- (16) Except as in this section otherwise expressly provided any difference arising between the Council and the Great Western Company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator in accordance with the provisions of the section of this Act of which the marginal note is "Arbitration." A.D. 1928.

32. The following provisions shall notwithstanding anything in this Act or shown on the deposited plans and sections apply and have effect for the protection of the Company of Proprietors of the Neath Canal or other the owner or owners for the time being of the Neath Canal situate in the county of Glamorgan (hereinafter in this section collectively referred to as "the owners") unless otherwise agreed in writing between the owners and the Council (that is to say):—

For pro-
tection of
Neath
Canal
Navigation
Company.

- (1) The Council shall not for the purpose of the construction of the conduit (No. 2) by this Act authorised acquire any portion of the bed or towing path of the Neath Canal or of any feeders thereof or of any works in connection therewith nor in the construction of the said conduit (No. 2) shall the Council interfere in any way with the said canal feeders and works or with the flow of water therein :
- (2) The said conduit (No. 2) where the same is proposed to be carried across the said canal at or near the property numbered in the parish of Tonna No. 24 part of No. 25 No. 26 and Nos. 27 and 28 on the deposited plans shall be laid in the roadway of or under or alongside and attached to the structure of the bridge or of any widened or substituted bridge carrying the public road across the canal at that point If the said conduit (No. 2) be laid under or alongside and attached to the structure of the bridge as aforesaid it shall be at such a height as will not obstruct or interfere in any way with the traffic carried on the said canal and so that it shall not be under or at a lower level than the girders supporting the bridge over the canal at this point and the said conduit (No. 2) shall not be

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laid less than six feet and six inches above the towing path of the said canal :

- (3) Any works by this Act authorised over the said canal or on any property of the owners including works of maintenance or repair (other than urgent repairs in case of accident) shall be carried out to the reasonable satisfaction of the engineer of the owners and according to plans sections and specifications to be submitted to and reasonably approved by him before any such works are commenced or in the event of any dispute or difference between such engineer and the engineer of the Council then in such manner as shall be settled by arbitration as hereinafter provided. Provided that unless the said engineer shall give notice of his disapproval of such plans sections or specifications 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 Council 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 owners or interruption of traffic and if any injury or interruption shall arise or be occasioned either by accident or otherwise owing to any negligent act or omission on the part of the Council the Council shall make compensation to the owners in respect thereof :
- (5) Any difference arising between the Council and the owners or their respective engineers touching the matters referred to in this section or anything to be done or not to be done thereunder shall except where otherwise provided for be referred to and determined by an arbitrator.

For protection of
Charles
Coombe
Tennant
and others.

33. The following provisions shall notwithstanding anything in this Act or shown on the deposited plans and sections apply and have effect for the protection of Charles Coombe Tennant or other the owner or owners for the time being of the Tennant Estate and canal situate in the county of Glamorgan (hereinafter in this section collectively referred to as "the owners") unless

otherwise agreed in writing between the owners and the Council (that is to say) :—

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- (1) The Council shall not for the purposes of the construction of the conduit (No. 2) by this Act authorised (including any works in connection therewith) acquire any portion of the bed or towing path of the Tennant Canal or of any feeders thereof or of any works in connection therewith nor in the construction of the said conduit (No. 2) shall the Council interfere in any way with the said canal feeders and works or with the flow of water therein :
- (2) The said conduit (No. 2) where the same is proposed to be carried across the said canal at or near the property numbered on the deposited plans 8 in the parish of Blaenhonddan shall be laid in the roadway of or alongside and attached to the structure of the bridge or of any widened or substituted bridge carrying the public road across the canal at that point. If the said conduit (No. 2) be laid alongside and attached to the structure of the bridge as aforesaid and not in the roadway it shall be at such a height as will not obstruct or interfere in any way with the traffic carried on the said canal and so that there shall be a clear headway of at least seven feet six inches above top water level in the canal :
- (3) The said conduit (No. 2) where the same is proposed to be carried across the feeder of the said canal at or near the properties numbered on the deposited plans 10 11 12 13 and 14 in the parish of Blaenhonddan shall be laid in the roadway of the bridge over the said feeder or of any widening of the said bridge :
- (4) Any works by this Act authorised over the said canal or any property of the owners including works of maintenance or repair (other than urgent repairs in case of accident) shall be carried out to the reasonable satisfaction of the engineer of the owners and according to plans sections and specifications to be submitted to and reasonably approved by him before any such works are commenced or in the event of any dispute

A.D. 1928.

or difference between such engineer and the engineer of the Council then in such manner as shall be settled by arbitration. Provided that unless the said engineer shall give notice of his disapproval of such plans sections or specifications and specify in writing the reasons therefor within fourteen days after they shall have been submitted he shall be deemed to have approved thereof :

- (5) The said works shall be executed by and in all things at the expense of the Council 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 owners or interruption of traffic. If any injury or interruption shall arise or be occasioned either by accident or otherwise owing to any neglect act or omission on the part of the Council the Council shall make compensation to the owners in respect thereof :
- (6) Any difference arising between the Council and the owners or their respective engineers touching the matters referred to in this section or anything to be done or not to be done thereunder shall be referred to and determined by an arbitrator.

For protection of
owners of
Neath
Abbey
Estate.

34. For the protection of the Right Honourable Walter FitzUryan Baron Dynevor or other the owner or owners for the time being of the estate in the county of Glamorgan known as the Neath Abbey Estate (all of whom are in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Council have effect (that is to say) :—

- (1) Notwithstanding anything in this Act or shown on the deposited plans the Council shall not purchase compulsorily any lands or property of the owner but as respects any such lands or property which may be required for the purposes of the conduit (No. 2) or any other works by this Act authorised the provisions of the section of this Act of which the marginal note is "Council may acquire easements only in certain cases"

shall apply as if subsection (3) of that section A.D. 1928.
had been omitted therefrom: —

- (2) The Council shall so construct and maintain conduit (No. 2) by this Act authorised where the same will cross (whether by means of a bridge or otherwise) or be situate over or under or otherwise affect any stream or watercourse flowing through or by any lands of the owner as not to impede or obstruct the free flow of water in such stream or watercourse or alter the level of the water therein :
- (3) Not less than twenty-one days before commencing the construction of any such portions of the said conduit as are referred to in subsection (2) of this section the Council shall submit to the owner plans sections and particulars thereof and the said portions of the said conduit shall not be constructed otherwise than in accordance with plans sections and particulars approved by the owner or if his approval is unreasonably withheld settled by arbitration in manner provided by this section. Provided that if within fourteen days after the submission to him of such plans sections and particulars as aforesaid the owner shall not intimate to the Council his disapproval thereof or make any requirement in relation thereto he shall be deemed to have approved thereof :
- (4) All works affecting any such stream or watercourse as aforesaid shall be executed to the reasonable satisfaction of the owner :
- (5) All such works as aforesaid shall be executed by and at the expense of the Council who shall also restore and make good to the reasonable satisfaction of the owner the surface of the ground so far as the same may be disturbed or interfered with for the purposes of or in connection with such execution :
- (6) If by reason or in consequence of the execution of any works by the Council or of the failure of or any leakage from any such works or of the acts or defaults of the Council their contractors or agents or any persons employed by

A.D. 1928.

them any damage or injury shall be caused to any land or property of the owner or the owner or his lessees or tenants shall suffer any loss expense or injury the Council shall forthwith make good to the reasonable satisfaction of the owner the damage or injury so caused and shall make compensation to the owner in respect thereof and to the owner or such lessees or tenants (as the case may be) in respect of any loss expense or injury so suffered by him or them. The amount of any compensation to be so made shall if not agreed between the Council and the owner or his lessees or tenants (as the case may be) be settled by arbitration in manner provided by this section :

- (7) If any question or dispute shall arise between the Council and the owner with reference to the provisions of this section or in any way arising thereout or as to anything to be done or not to be done thereunder (not being a question or a dispute as to the amount of the purchase money and compensation to be paid by the Council for the acquisition of an easement or right under subsection (1) of this section) such question or dispute shall be referred to and determined by an arbitrator to be agreed upon between the Council and the owner or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Surveyors' Institute and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

RATES AND CHARGES.

Rates for
water
supplied for
domestic
purposes.

35. As from the appointed day the following provisions shall have effect :—

- (1) The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house within the limits of supply entitled to demand from the Council a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water

for domestic purposes at a rate per annum not exceeding ten per centum upon the rateable value of the premises so supplied. Provided that the Council shall not be required to supply any premises with water at a less sum than thirteen shillings per annum : A.D. 1928.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list the rateable value shall be a fairly apportioned part of the rateable value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction :

- (2) In addition to the foregoing rate the Council may in the case of any premises to which they furnish a supply of water charge for every watercloset beyond the first (for which no additional charge shall be made) a sum not exceeding seven shillings and sixpence per annum and for every fixed bath not capable of containing more than seventy-five gallons and for every bath having an emptying aperture and capable of containing more than twenty gallons but not more than seventy-five gallons a sum not exceeding ten shillings per annum and for every bath capable of containing more than seventy-five gallons such sum as they may think fit :
- (3) Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Council may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first :

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Act, 1928.

A.D. 1928.

(4) Any sums charged under subsections (2) and (3) of this section shall be recoverable at the like dates and in the same manner as the rates leviable under subsection (1) of this section can be recovered.

Price of
supply by
measure.

36. As from the appointed day the price to be charged by the Council for a supply of water by measure shall not exceed three shillings per thousand gallons. Provided that the Council shall be entitled to charge for each such supply (other than a supply given under the section of this Act of which the marginal note is "Supply of water to houses partly used for trade &c.") such minimum sum not exceeding ten shillings as they may prescribe in respect of the water supplied in any quarter of a year.

Revision of
rates.

37. The Minister may if he thinks fit from time to time on the application of the Council by order vary the rates and charges for the supply of water which the Council are by this Act authorised to charge.

Water
rates may
be collected
with general
rate.

38.—(1) On and after the appointed day any water rate or charge payable to the Council may be collected together with and as a part of the general rate of the district or of the parish of Ystradfellte (as the case may require) and the same books may be used for the said water rate and charge and such general rate.

(2) Any such general rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the general rate and any water rate or charge payable to the Council shall be in such form as the Minister may from time to time prescribe.

(3) The Council may demand water rates and charges by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

(4) The Council may from time to time if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect

of any water rate or charge or any instalment thereof from every person who pays the same within such time after demand of the rate or charge or any instalment thereof (as the case may be) as the Council may prescribe : A.D. 1928.
—

Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rate or charge or any instalment thereof shall be demanded.

(5) Notice of this enactment shall be endorsed on every demand note where a water rate or charge is collected with the general rate and an allowance by way of discount is made under subsection (4) of this section.

39.—(1) On and after the appointed day the Council may if they think fit apply the provisions of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 with the necessary modifications to the collection of any water rate or charge payable to the Council under the section of this Act of which the marginal note is “ Rates for water supplied for domestic purposes.” Application
of section 11
of Rating
and Valua-
tion Act
1925 to
water rates
&c.

(2) Provided that where the owner of any dwelling-house or part of a dwelling-house to which the provisions of the said section 11 of the Rating and Valuation Act 1925 have by virtue of subsection (1) of this section been applied and which shall be in the occupation of any tenant under any lease or agreement made prior to the passing of this Act shall pay the water rate or charge in respect of such dwelling-house or part of a dwelling-house such tenant shall repay to the owner all sums which shall be so paid by him during the continuance of such lease unless it has been agreed that the owner shall pay the water rates in respect of such dwelling-house or part of a dwelling-house and every such sum of money payable by the tenant to the owner under the provisions hereinbefore contained may be recovered if the same be not paid upon demand as arrears of rent could be recovered from the occupier by the said owner.

(3) As from the date on which the Council determine that the provisions of the said section 11 shall apply

A.D. 1928. — section 72 (Owners of houses not exceeding ten pounds rent to be liable to water rates) of the Waterworks Clauses Act 1847 shall cease to apply to any dwelling-house or part of a dwelling-house within the limits of supply other than such dwelling-houses or parts of dwelling-houses as are referred to in section 78 (Rate payable by owners of small houses) of the Act of 1902.

Supply of
water to
houses
partly used
for trade
&c.

40.—(1) The Council shall not be bound to supply with water otherwise than by measure (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse hospital (whether public or private) asylum (whether public or private) sanatorium nursing home school club hotel restaurant public-house inn or common lodging house or (c) any boarding house capable of accommodating at least twelve persons or (d) any public institution which is habitually occupied by at least twenty persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for farming shall be taken by measure but nothing in this section shall authorise the Council to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate.

(3) The minimum quarterly charge for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for water supplied for domestic purposes to a dwelling-house of the same rateable value.

FINANCIAL PROVISIONS RELATING TO WATER UNDERTAKING.

Power to
borrow.

41.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned 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 periods (each of which is in this Act referred to as "the prescribed period")

mentioned in the third column of the said table A.D. 1928.
 (namely) :—

1	2	3
Purpose.	Amount.	Period.
(a) For and in connection with the purchase of lands and easements for the purposes of the new works.	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) For the construction of the reservoir by this Act authorised.	£1,344	Forty years from the date or dates of borrowing.
(c) For the construction of the conduits by this Act authorised.	£51,040	Forty years from the date or dates of borrowing.
(d) For paying the costs charges and expenses referred to in the final section of this Act.	The sum requisite.	Five years from the passing of this Act.

Provided that no sum shall be borrowed for the purpose (a) in this subsection mentioned without the consent of the Minister except where the sum is borrowed for the purpose of paying any compensation awarded by the tribunal in respect of any lands or easements acquired by the Council under this Act.

(2) The Council may also with the consent of the Minister borrow such further money as may be necessary for any of the purposes of the water undertaking 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 Minister.

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

42. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Mode of
 payment
 off of
 money
 borrowed.

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Act, 1928.

A.D. 1928.
—
Application
of pro-
visions of
Act of 1902.

43. The following sections of the Act of 1902 shall with any necessary modifications extend and apply to moneys borrowed under this Act and to the Council with reference thereto as if those sections were re-enacted in this Act (namely) :—

Section 60 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);

Section 61 (Mode of raising money);

Section 62 (Provisions of Public Health Act as to mortgages to apply);

Section 66 (Protection of lender from inquiry);

Section 68 (Appointment of receiver);

Section 71 (Application of money borrowed);

Section 74 (Proceeds of sale of surplus lands to be treated as capital).

As to money
borrowed
under Pub-
lic Health
Acts for
waterworks.

44. Any moneys which have been or may be borrowed by the Council under the Public Health Acts for the purposes of the purchase or construction of waterworks shall not be reckoned for the purpose of any limitation on borrowing under the enactments relating to borrowing by a rural district council.

Security
for existing
water loans.

45.—(1) Notwithstanding anything in any Act Order or other instrument under the authority of which any of the existing water loans have been raised the amounts outstanding on those loans and the interest thereon shall on and after the appointed day be charged on the general rate and general rate fund and all interest and sinking fund payments in respect of those loans shall be paid as hereinafter provided.

(2) As from the appointed day section 59 (Power to borrow) of the Act of 1902 shall have effect as if the following subsection were substituted for subsection (2) thereof viz. :—

“(2) In order to secure the repayment of money borrowed under this section and the payment of interest thereon the Council may mortgage and charge the general rate and general rate fund of the district.”

46.—(1) The Council may (if they think fit) provide after the appointed day a reserve fund in respect of the water undertaking by setting aside out of the revenue of the water undertaking such an amount as they may from time to time think reasonable and investing the amounts set aside in statutory securities and accumulating them until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council in respect of the water undertaking not exceeding a sum equal to one-tenth of the aggregate capital expended for the time being by the Council on that undertaking. The said fund shall be applicable to meet any deficiency at any time happening in the income of the Council from the water undertaking or any extraordinary claim or demand at any time arising against the Council in respect of the water undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the water undertaking and so that if the fund be at any time reduced it may thereafter be restored again to the prescribed maximum and so from time to time as often as such reduction happens.

A.D. 1928.

—
 Reserve
 fund for
 water
 under-
 taking.

(2) Any reserve fund which has been or may before the appointed day be formed under the Acts of 1902 and 1912 or for the purposes of any of the separate water undertakings established by the Council under the Public Health Acts and which is in existence at the appointed day shall be amalgamated with and deemed to form part of the reserve fund to be provided under this section.

(3) Resort may be had to the reserve fund under the foregoing provisions although the fund may not at the time have reached or may have been reduced below the prescribed maximum.

47. As from the appointed day all moneys from time to time received by the Council on account of the revenue of the water undertaking (including the interest on any reserve fund authorised by this Act when that fund amounts to the prescribed maximum) shall be carried to and shall form part of the general rate fund and all payments and expenses on revenue account made and incurred in respect of the water undertaking (including the interest and loan charges in respect of

Water
 receipts and
 expenses.

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Act, 1928.

A.D. 1928. — the existing water loans and of all loans raised after the passing of this Act for the purposes of or in connection with the water undertaking) shall be paid out of the general rate fund.

Separate
accounts in
respect of
water
under-
taking.

48.—(1) As from the appointed day the Council shall keep the accounts of the water undertaking so as to distinguish capital from revenue and as regards the revenue account to show under a separate heading or division on the one side all receipts in respect of the water undertaking (including the interest on any reserve fund authorised by this Act when that fund amounts to the prescribed maximum) and on the other side all payments and expenses in respect of the water undertaking such payments and expenses to be divided so as also to show the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the water undertaking;
- (b) The interest on moneys borrowed by the Council for the purposes of or in connection with the water undertaking (including the interest on the existing water loans);
- (c) The requisite appropriations instalments or sinking fund payments in respect of any moneys so borrowed as aforesaid;
- (d) All other expenses (if any) of the water undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund formed by the Council in connection with the water undertaking.

(2) The Council shall also so far as may be reasonably practicable carry to the debit or credit of the accounts of the water undertaking a proper proportion of their general administrative expenses and of any receipts credits payments or liabilities which from time to time ought to be so apportioned and carried.

Provision
for reduc-
tion of
water
charges in
certain
events.

49. Whenever the separate heading or division of the accounts in relation to the water undertaking shall show in any year that the revenue exceeds the total of the several amounts expended in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of the immediately preceding section of

this Act and apportioned to that undertaking under subsection (2) of the said section then the Council shall so far as practicable apply such excess in so reducing or adjusting the rates and charges for the supply of water that in their judgment the money thereafter to be received on account of revenue in respect of the water undertaking shall be equal to the amount of the expenses on account of revenue in respect of the water undertaking but this section shall not be deemed to prevent the Council making such rates and charges for the supply of water as will provide a balance on revenue account at the close of any financial year of such amount as they may think necessary for the purpose of carrying on the water undertaking and paying the current expenses thereof.

A.D. 1928.

50. If in any financial half-year subsequent to the appointed day the revenue of the water undertaking shall be less than the expenditure incurred during that half-year on that undertaking the deficiency shall be apportioned between the district and the parish of Ystradfellte in proportion to the total rateable value of the district and the said parish respectively and the amounts so apportioned shall be levied with and as an additional item of the general rate of the district and the said parish respectively.

As to
deficiency
on revenue
account.

GENERAL FINANCIAL PROVISIONS.

51.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed after the passing of this Act by virtue of any statutory borrowing power such sinking fund shall (except as mentioned in subsection (13) hereof) be formed and maintained by payment out of the general rate fund to the sinking fund throughout the period prescribed for the repayment of the moneys so borrowed (hereinafter referred to as “the prescribed period”) of either—

Sinking
funds.

(a) Such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) (i) Such equal annual sums as will with accumulations at a rate not exceeding three-and-a-half

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per centum per annum or such higher rate as the Minister may from time to time approve be sufficient to pay off within the prescribed period the moneys for the repayment of which the sinking fund is formed; and

(ii) Such annual sums as are equivalent to interest on the amount which should from time to time be standing to the credit of the sinking fund at the rate per centum per annum on which the annual payments to the fund under paragraph (i) hereof are based:

A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund shall (subject to the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds") unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) All interest on the investments of a sinking fund shall be carried by the Council to the credit of the general rate fund.

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

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

(6) If it appears to the Council at any time that the amount in any sinking fund with the future payments thereto in accordance with the provisions of this section together with the probable accumulations thereon (if an

accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Council shall increase the payments to such extent as the Minister may direct. A.D. 1928.
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(7) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(8) If the amount in any sinking fund with the future payments thereto in accordance with subsection (1) of this section including the payments thereto by way of interest (if an accumulating sinking fund) will in the opinion of the Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(9) If the amount in any sinking fund at any time together with (if an accumulating sinking fund) the payments thereto by way of interest under paragraph (b) (ii) of subsection (1) of this section will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of the Minister discontinue the payment of the equal annual sums to such sinking fund until the Minister shall otherwise direct.

(10) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Minister may determine.

(11) The foregoing provisions of this section shall also apply with respect to any sinking fund (except as mentioned in subsection (13) hereof) formed by the Council for the repayment of any moneys borrowed

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A.D. 1928. before the passing of this Act under any statutory borrowing power and the Council shall make such adjustments of any existing sinking fund and of their books and accounts relating thereto as the Minister may sanction or require.

(12) The reference to section 65 (Sinking fund) of the Act of 1902 in section 61 (Mode of raising money) of that Act shall be construed as a reference to this section.

(13) The provisions of this section shall not apply to any sinking fund formed by the Council for the repayment of any moneys borrowed by the Council (whether before or after the passing of this Act) for any purposes not being purposes of the water undertaking if the interest and loan charges in respect of such moneys are not charged on the general rate and general rate fund but on a special rate leviable in a part only of the district.

Scheme for
fixing
equated
periods for
certain
loans.

52.—(1) The provisions of this section shall apply to all loans contracted by the Council under any statutory borrowing power and charged on the general rate and the general rate fund or either such rate or fund (whether with or without as an additional security the revenues of the Council or any part of those revenues) including the existing water loans and any loans raised after the passing of this Act for the purposes of the water undertaking.

(2) The Council may at any time after the appointed day and from time to time make a scheme for prescribing one or more uniform periods within which all or any such loans as aforesaid shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of or incorporated with this Act in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(3) No scheme made by the Council under this section shall have any force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(4) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder. A.D. 1928.

(5) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Council as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(6) The Council may with the sanction of the Minister and on the security of the general rate or general rate fund borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister may sanction.

(7) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

53.—(1) The clerk shall if and when he is requested by the Minister so to do send to the Minister a return showing the provision made for the repayment of any loans raised by the Council under any statutory borrowing power. Return to Minister of Health with respect to repayment of debt.

(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 treasurer or other the chief accounting officer of the Council and shall be sent within one month after the making of the request 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 the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforce-

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Act, 1928.

A.D. 1928. — able by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power 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 the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Every provision of any enactment now in force in the district requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Use of
moneys
forming
part of
sinking and
other funds.

54. Notwithstanding anything in any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve fund (in this section referred to as "the lending fund") subject to the following conditions :—

- (a) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable. Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the

repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power : A.D. 1928.

- (b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power. Such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power and when paid to the lending fund shall be dealt with in like manner as interest on an investment of that fund :
- (c) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

55. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any security of the Council (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence of transfer or transmission of securities.

56. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Receipt in case of persons not sui juris.

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Interest on
securities
held jointly.

57. Where more persons than one are registered as joint holders of any mortgage stock or other security of the Council any one of them may give an effectual receipt for any interest therein unless notice to the contrary has been given to the Council or the clerk.

MISCELLANEOUS PROVISIONS.

Purchase of
water in
bulk.

58. The Council may enter into and carry into effect agreements with any local authority company or person supplying water under parliamentary authority for the supply of water by such local authority company or person of water in bulk to the Council on such terms and conditions and for such period as may be agreed upon.

Discharge
of water
into
streams.

59.—(1) For the purpose of executing constructing laying down enlarging extending repairing cleansing emptying or examining any reservoir conduit main pipe or other work forming part of the water undertaking the Council may cause the water in any such work to be discharged into any available stream ditch or watercourse Provided that any water so discharged shall so far as practicable be free from mud or solid or offensive matter.

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

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways or works of the Great Western Railway Company.

Penalty for
closing
valves and
apparatus.

60. Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable on conviction to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

61. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

A.D. 1928.

—
Penalty for
opening
valves &c.

62. Save as otherwise expressly provided all offences against any Act or Order from time to time relating to the water undertaking and all penalties forfeitures costs and expenses imposed or recoverable thereunder or under 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.

63. Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

Penalties
not cumu-
lative.

64. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the water undertaking whether provision is or is not made for the recovery thereof in any specified court or manner may be taken in any county court otherwise having jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery
of demands.

65.—(1) Where any notice or demand under the Act of 1902 the Act of 1912 or this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

As to
notices &c.

(2) Notices demands orders and other documents the service whereof is required or authorised by the Act of 1902 the Act of 1912 or this Act 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

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A.D. 1928. — 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 registered office or at their principal office or place of business.

Application
of sections
259 and 265
of Public
Health Act
1875.

66. Section 259 (Appearance of local authorities in legal proceedings) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the Council and the members and officers of the Council and the clerk as if the purposes of the Acts of 1902 and 1912 and this Act were purposes of the Public Health Act 1875.

Inquiries by
Minister of
Health.

67.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consent by him under this Act and the inspectors of the Minister shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Council shall pay to the Minister any expenses incurred by the Minister 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 the Minister not exceeding five guineas a day for the services of such inspector.

Arbitration.

68. Where under this Act any question or dispute is referred to an arbitrator or to arbitration then (except where otherwise expressly stated and except questions or disputes to which the provisions of the Lands Clauses Acts apply) the reference shall be to a single arbitrator to be appointed by the President of the Institution of Civil Engineers and otherwise subject to the provisions of the Arbitration Act 1889.

Informa-
tions by
whom to be
laid.

69. Save as in this Act otherwise expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder or of any other Act or Order relating to the water undertaking may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk.

Incorporation of provisions of Act of 1912.

71. The following provisions of the Act of 1902 and the Act of 1912 are hereby repealed :—

Act of 1902—

Section.		Extent of Repeal.
16	Power to sell &c. lands - -	The whole section.
17	Reservation of water rights &c. on sale.	The whole section.
20	Powers for repair of conduit and temporary discharge of water into streams.	The whole section.
65	Sinking fund - - - -	The whole section.
70	Return respecting sinking fund to Local Government Board.	The whole section.
72	Expenses of execution of Act -	The whole section.
76	Supply of water - - - -	Subsections (2) and (3).
77	Rates for waterclosets and baths -	The whole section.
81	Authentication and service of notices.	The whole section.
82	Recovery of penalties - - -	The whole section.
83	Application of section 265 of the Public Health Act 1875.	The whole section.

Act of 1912—

27	Supply to house partly used for trade &c.	The whole section.
28	Price of supply by measure - - -	The whole section.
33	Application of provisions of Act of 1902.	So much of the section as applies sections 65 70 72 81 82 and 83 of the Act of 1902.
37	Power to use sinking fund instead of borrowing.	The whole section.
41	Informations by whom to be laid -	The whole section.
44	Recovery of demands - - -	The whole section.

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Act, 1928.

A.D. 1928. — Provided that the repeal of subsections (2) and (3) of section 76 and section 77 of the Act of 1902 and section 28 of the Act of 1912 shall not take effect until the appointed day.

Costs of Act. **72.** All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Council and may in the first instance be paid out of any moneys in their hands but ultimately (if the Council so determine) out of the general rate and general rate fund as a part of the expenses of the water undertaking or out of moneys to be borrowed under this Act.

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