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CHAPTER xlv.

An Act to constitute the Llanfrechfa Upper and Llantarnam Water Board to transfer to the Board the water undertaking of the Llanfrechfa Upper Urban District Council to empower the Board to construct new works and to supply water and for other purposes.

A.D. 1929

[10th May 1929.]

WHEREAS the urban district of Llanfrechfa Upper and the urban district of Llantarnam in the administrative county of Monmouth (hereinafter respectively referred to as "the Llanfrechfa District" and "the Llantarnam District") are urban districts within the meaning of the Local Government Act 1894 and are respectively under the management and local government of the Llanfrechfa Upper Urban District Council and the Llantarnam Urban District Council (hereinafter respectively referred to as "the Llanfrechfa Council" and "the Llantarnam Council") :

And whereas the Llanfrechfa Council are the owners of a water undertaking and under the powers of the Llanfrechfa Upper Local Board Waterworks Act 1884 are supplying water in the Llanfrechfa district and the Llantarnam district :

And whereas it is expedient that a water board (hereinafter referred to as "the Board") consisting of representatives of the aforesaid councils should be incorporated and that the water undertaking of the Llanfrechfa

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And whereas it is expedient that the Board should be empowered to construct the new waterworks in this Act described and to acquire lands and easements for the purposes thereof and for the general purposes of their undertaking :

And whereas it is expedient for the purpose of preventing the contamination of and ensuring the purity of the water to be supplied by the Board that the Board be empowered to purchase the lands in this Act described and to exercise the other powers in that behalf in this Act contained :

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

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

And whereas estimates have been prepared in relation to the following purposes in respect of which the Board are by this Act authorised to borrow money and such estimates are as follows :—

For the purchase of land and for and in connection with the construction of the works authorised by this Act -	£ 20,550
For additional mains service pipes and other waterworks purposes -	1,000

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed by the Llanfrechfa Council and the Llantarnam Council :

And whereas plans showing the lands required or which may be taken compulsorily for the purposes or under the powers of this Act such plans showing the lines or situations of the said new waterworks and sections showing the levels of such works with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of

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the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Monmouth and are in this Act respectively referred to as the deposited plans sections and book of reference : A.D. 1929.
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May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Llanfrechfa Upper and Llantarnam Water Board Act 1929. Short title.

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

Division of
 Act into
 Parts.

Part I.—Preliminary.

Part II.—Establishment of Board.

Part III.—Transfer of Llanfrechfa undertaking.

Part IV.—Waterworks &c.

Part V.—Lands &c.

Part VI.—Supply of water.

Part VII.—Finance.

Part VIII.—Miscellaneous.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act and for the purposes of such incorporated Acts this Act shall be deemed to be the special Act within the meaning of any such Act and "the promoters of the undertaking" "the undertakers" "the company" or "the commissioners" where used in those Acts shall mean the Board (that is to say) :— Incorporation of Acts.

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

The contracts to be entered into and the deeds to be executed by the Commissioners;

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The liabilities of the Commissioners and legal proceedings by or against the Commissioners :

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

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

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

- (3) The Waterworks Clauses Act 1847 except—

(a) The words “ with the consent in writing “ of the owner or reputed owner of any such “ house or of the agent of such owner ” in section 44;

(b) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit);

(c) Section 83 (with respect to the yearly receipt and expenditure of the undertakers):

Provided that section 35 of the Act in its application to the Board shall be read and have effect as if the words “ one eighth part ” were substituted therein for the words “ one tenth part ” :

- (4) The Waterworks Clauses Act 1863 :

- (5) The clauses and provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and also section 16 (Works to be executed) of that Act:

Provided that in the said provisions of the Railways Clauses Consolidation Act 1845 “ the railway ” shall mean the waterworks authorised by this Act and “ the centre of the railway ” shall mean the centre lines as shown on the

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deposited plans of the aqueducts, conduits or lines of pipes authorised by this Act and the top water line of the reservoir so authorised and "the prescribed limits" for the purposes of section 30 shall be four hundred yards and for the purposes of section 32 four hundred yards.

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4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act or by the Public Health Acts meanings are assigned shall in this Act have the same respective meanings And in this Act—

"The Board" means the Llanfrechfa Upper and Llantarnam Water Board incorporated by this Act;

"The clerk" means the clerk to the Board;

"The Llanfrechfa Council" means the Llanfrechfa Upper Urban District Council;

"The Llantarnam Council" means the Llantarnam Urban District Council;

"The limits of supply" means the limits of the Board for the supply of water which limits are set forth in the section of this Act of which the marginal note is "Limits of supply";

"Constituent authority" means the council of any district for the time being authorised to appoint a member or members of the Board;

"Constituent area" in relation to a constituent authority means the whole or portion (as the case may be) of the district of the authority which is included within the limits of supply;

"The Act of 1884" means the Llanfrechfa Upper Local Board Waterworks Act 1884;

"The Llanfrechfa undertaking" means the water undertaking of the Llanfrechfa Council including all lands buildings hereditaments works mains plant stock moneys choses in action and other the real and personal property assets and effects of whatsoever nature and all rights and privileges vested in or belonging to or had or enjoyed by the Llanfrechfa Council exclusively for the purposes of or as part of the said undertaking;

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“The day of transfer” means the first day of April nineteen hundred and thirty;

“The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of reference deposited with the clerk of the peace for the county of Monmouth in relation to the Bill for this Act;

“The waterworks” means the waterworks and the works in connection therewith authorised by this Act;

“The works” means the works authorised by this Act;

“The undertaking” includes the waterworks of the Board and the works connected therewith transferred to and vested in them by or in pursuance of this Act and all waterworks which may hereafter be constructed or acquired under any of the powers contained in this Act;

“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;

“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 Board;

“Statutory borrowing power” means any power whether or not coupled with a duty of—

(a) borrowing or continuing on loan or re-borrowing money; or

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(b) redeeming or paying off or creating or A.D. 1929.
continuing payment of or in respect of any
annuity rentcharge rent or other security
representing or granted in lieu of consideration
money;

for the time being existing under any Act of
Parliament public or local passed or to be
passed or under any Provisional Order con-
firmed by Act of Parliament passed or to be
passed or under order or sanction of any
Government department made or given or to
be made or given by authority of any Act of
Parliament passed or to be passed;

“The revenues of the Board” includes the revenues
of the Board from time to time arising from the
undertaking or from any land or other property
for the time being belonging to the Board and
the money receivable by them from the con-
stituent authorities and all rates and money
which they are authorised to levy and collect
within the districts of the constituent authori-
ties under the powers of this Act.

PART II.

ESTABLISHMENT OF BOARD.

5.—(1) A board to be called “the Llanfrechfa Establish-
Upper and Llantarnam Water Board” shall be estab- ment of
lished for the purpose of managing and carrying on the Board.
undertaking and of supplying water within the limits of
supply and generally for the purpose of carrying the
powers of this Act into execution.

(2) The Board shall be a body corporate with a
common seal having power to acquire and hold land for
the purposes of this Act without licence in mortmain.

(3) The constitution of the Board shall be as follows:—

12 members to be appointed by the Llanfrechfa
Council;

12 members to be appointed by the Llantarnam
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(4) The chairman and vice-chairman of the Board shall be appointed by and from the members of the Board but shall not both represent the same constituent authority.

(5) The chairman appointed at the first meeting of the Board shall be chosen from the members of the Board appointed by the Llanfrechfa Council.

Proceedings
of Board.

6. Subject to the provisions of this Act the provisions of the schedule to this Act with respect to the constitution and proceedings of the Board shall have effect.

PART III.

TRANSFER OF LLANFRECHFA UNDERTAKING.

Transfer of
Llanfrechfa
under-
taking.

7. On the day of transfer the Llanfrechfa undertaking shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Board free from all mortgages or charges but subject to all other debts or liabilities affecting the same.

Considera-
tion for
transfer.

8.—(1) As consideration for the transfer of the Llanfrechfa undertaking the Board shall—

(a) From time to time provide the actual sums to be paid by the Llanfrechfa Council in respect of interest and principal on any loans incurred by the Llanfrechfa Council in respect of the Llanfrechfa undertaking and outstanding at the day of transfer and for that purpose shall pay such sums to the Llanfrechfa Council three clear days before the respective dates on which such interest and principal are due for payment by them or within seven days after receipt of notice requiring such sums to be paid whichever shall be the later;

(b) Pay to the Llanfrechfa Council the sum of five thousand pounds in respect of the expenditure borne by the general district rate and district fund of the Llanfrechfa Council in respect of the Llanfrechfa undertaking up to the thirty-first day of March nineteen hundred and twenty-eight which sum shall be subject to adjustment by such amount as may represent the net deficit or net surplus on the

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Llanfrechfa undertaking for the period between the thirty-first day of March nineteen hundred and twenty-eight and the day of transfer and the amount of such adjustment if not agreed between the Board and the Llanfrechfa Council shall be determined as mentioned in subsection (3) of this section. A.D. 1929.
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(2) The sum to be paid under subsection (1) (b) of this section shall be paid to the Llanfrechfa Council by the Board by equal annual payments of principal and interest combined (such interest to be calculated at the rate of five per centum per annum on the balance of principal from time to time outstanding) during a period of thirty years from the day of transfer the first equal annual payment to be made on the thirty-first day of March nineteen hundred and thirty-one. Provided nevertheless that it shall be lawful for the Board by giving at any time to the Llanfrechfa Council not less than three months' previous notice in writing to redeem the liability to pay the said annual sum by paying to the Llanfrechfa Council a capital sum in cash equal to or issuing to the Llanfrechfa Council such security as the Llanfrechfa Council may agree is equivalent to the principal outstanding for the time being.

(3) Any dispute which may arise between the Board and the Llanfrechfa Council as to any annual or other sum to be paid to the Council under this section shall be determined by Frederick John Alban or failing him by some other competent accountant to be appointed by the Minister of Health.

(4) Any annual sum to be paid by the Board to the Llanfrechfa Council under this section shall be carried to the credit of the general rate fund of the Llanfrechfa Council.

(5) Any sum other than an annual sum to be paid by the Board to the Llanfrechfa Council under this section shall be applied in such manner as the Minister of Health may direct.

(6) If any sum payable by the Board to the Llanfrechfa Council in pursuance of the provisions of this section is not paid within fourteen days after the same shall become due to be paid the Board shall pay interest thereon to the Llanfrechfa Council at one per centum above the bank rate for the time being current.

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Receipt for
money.

9. The receipt in writing of the treasurer of the Llanfrechfa Council for any money paid to the Llanfrechfa Council shall effectually discharge the Board from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss mis-application or non-application thereof and if from any cause the Board are unable to obtain any such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Board by the cashier of the said bank for the money which shall have the same effect as the receipt of the treasurer of the Llanfrechfa Council.

Repeal of
Act of 1884.

10. As from the day of transfer the Act of 1884 shall be repealed.

Board to
pay debts
and to be
entitled to
rents after
transfer.

11. The Board shall pay and discharge (so far as the same shall not have been previously discharged by the Llanfrechfa Council) the debts outgoings and liabilities properly chargeable against the Llanfrechfa Council in respect of the Llanfrechfa undertaking and shall indemnify the Llanfrechfa Council from all claims in respect thereof and shall be entitled to all water rates rents profits and other receipts receivable in respect of the Llanfrechfa undertaking.

Exercise of
powers un-
til transfer.

12. Until the day of transfer the Llanfrechfa Council shall maintain and carry on the Llanfrechfa undertaking as heretofore in the ordinary course of business but the Llanfrechfa Council shall not without the previous consent of the Llantarnam Council under the hand of their clerk prior to the first meeting of the Board and thereafter without the consent of the Board under the hand of their clerk make or enter into any new contract agreement liability or other obligation in respect of the Llanfrechfa undertaking which shall extend beyond the day of transfer except such as shall be in the ordinary course and proper conduct of the Llanfrechfa undertaking Provided always that such consent shall not be unreasonably withheld.

Savings.

13. Notwithstanding the provisions of the section of this Act of which the marginal note is "Repeal of

Act of 1884" and notwithstanding the transfer to the Board of the Llanfrechfa undertaking the following provisions shall have effect (that is to say) :— A.D. 1929.
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- (1) If on the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the Llanfrechfa Council the same shall not abate or be discontinued or in anywise prejudicially affected by reason of such transfer but the same may be continued prosecuted and enforced by against or in favour of the Board as and when it might have been continued prosecuted and enforced by against or in favour of the Llanfrechfa Council if this Act had not passed :
- (2) All rates rents and charges in connection with the Llanfrechfa undertaking which have been lawfully made charged or imposed and which on the day of transfer are due or if this Act had not been passed would have accrued due shall continue in force and be due and payable and may be collected recovered or enforced by the Board as and when the same might have been payable to and collected recovered and enforced by the Llanfrechfa Council if this Act had not been passed :
- (3) Except as in this Act otherwise expressly provided all agreements conveyances contracts deeds and other instruments entered into or made with or by the Llanfrechfa Council and in force on the day of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Board and may be enforced as fully and effectually as if instead of the Llanfrechfa Council the Board had been a party thereto The Board shall indemnify the Llanfrechfa Council against all claims and demands under such agreements conveyances contracts deeds and other instruments :
- (4) All books and documents which if the transfer had not been made would have been evidence

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in respect of any matter for or against the Llanfrechfa Council shall be admitted in evidence in respect of the same or the like matter for or against the Board.

Existing
officers and
servants.

14.—(1) Every officer and servant in the regular employment of the Llanfrechfa Council in connection with the Llanfrechfa undertaking immediately before the day of transfer (in this section referred to as an “existing officer” and an “existing servant”) shall as from the day of transfer become an officer or servant of the Board and shall hold his office or situation by the same tenure and upon like terms and conditions under the Board as he would have held the same under the Llanfrechfa Council if the transfer of the Llanfrechfa undertaking had not taken place and while performing the same duties shall receive not less salaries wages or pay than he would have been entitled to from the Llanfrechfa Council if the transfer of the Llanfrechfa undertaking had not taken place.

(2) Every existing officer and existing servant shall perform such duties in connection with the undertaking as they may be required to perform by the Board.

(3) The Board may abolish the office or situation of any existing officer or existing servant which they deem unnecessary and any existing officer or existing servant required to perform duties such as are not analogous or which are an unreasonable addition to those which as an officer or servant of the Llanfrechfa Council in connection with the Llanfrechfa undertaking he was required to perform may relinquish his office or service.

(4) Every existing officer or existing servant whose office is so abolished or who so relinquishes his office or service as aforesaid or who otherwise suffers any direct pecuniary loss in consequence of the Llanfrechfa undertaking being transferred to the Board shall be entitled to be paid by the Board compensation for such pecuniary loss regard being had to the conditions on which his appointment was made the nature of his office or employment the duration of his services and any other circumstances affecting the case.

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(5) Subject to the provisions of this Act the provisions contained in section 120 of the Local Government Act 1888 relating to compensation to existing officers shall apply to any claim for compensation by an existing officer or an existing servant as if in that section references to the Minister of Health were substituted for references to the Treasury and as if references to the Board and the Board's funds were substituted for references to the county council and county fund and as if in subsection (7) of that section the expression "county council" included any local authority as defined by the Local Government and Other Officers' Superannuation Act 1922 or water board. A.D. 1929.

(6) If within a period of five years after the day of transfer the services of any existing officer or existing servant are dispensed with by the Board because his services are not required and not on account of misconduct or incapacity or the salary of any existing officer or existing servant is reduced on the ground that his duties have been diminished in consequence of the Llanfrechfa undertaking being transferred to the Board the officer or servant shall be deemed to have suffered direct pecuniary loss in consequence of the transfer of the Llanfrechfa undertaking to the Board.

(7) In computing the time of service of any existing officer or existing servant for the purpose of determining the compensation to which he is entitled under the foregoing provisions the period during which he has been in the service of the Llanfrechfa Council shall be included and where any existing officer or existing servant was temporarily absent from his employment whilst serving in His Majesty's forces during the war such period of temporary absence shall be reckoned as service under the Llanfrechfa Council provided he was in their employment immediately before and after such service. Provided also that in the case of an officer who after the armistice voluntarily extended his term of service in the forces no period of absence during such extension shall be so reckoned.

(8) The compensation payable under this section to an existing officer who immediately before the day of transfer held office under the Llanfrechfa Council shall not be reduced by reason of the fact that he had devoted only part of his time to such office.

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PART IV.

WATERWORKS &C.

Power to
maintain
transferred
works.

15. From and after the day of transfer the Board may subject to the provisions of this Act maintain repair and renew the waterworks reservoirs mains pipes and plant to be transferred to and vested in them under the provisions of this Act and may use and employ the same for the purposes of the undertaking and for the supply of water within the limits of supply or under the provisions of this Act and the Board shall in respect of those works reservoirs plant mains and pipes and the maintenance and future use regulation and enlargement thereof have the powers and be subject to the provisions of this Act and the Acts incorporated wholly or in part with this Act and the same shall be deemed to and shall be and form part of the undertaking.

Power to
construct
works.

16. Subject to the provisions of this Act the Board may in the county of Monmouth and in the lines or situations shown upon the deposited plans and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works (that is to say) :—

Work No. 1 A subsiding reservoir in the urban district of Llanfrechfa Upper to be formed by a dam across the stream known as the Cwmbran Brook at a point on that stream thirty-five yards or thereabouts measured in a north-westerly direction from the north-western corner of the enclosure numbered 502 in the parish of Llanfrechfa Upper on the $\frac{1}{2500}$ ordnance map (edition 1920) Monmouthshire sheet XXIII. 10 and to extend from the said dam up the valley of the Cwmbran Brook for a distance of eighty yards or thereabouts measured in a north-westerly direction along the centre of the Cwmbran Brook from the point at which the said dam will cross the said brook;

The said dam will commence in the enclosure numbered 498 in the parish of Llanfrechfa Upper on the said ordnance map sheet XXIII. 10 at a point thirty-six yards or thereabouts measured due west from the north-western

corner of the enclosure numbered 502a in that parish on that ordnance map and will terminate in the enclosure numbered 490 in that parish on that ordnance map at a point sixty-three yards or thereabouts measured in a northerly direction from the north-western corner of the enclosure numbered 502 in that parish on that ordnance map and one hundred and ninety-nine yards or thereabouts measured in a westerly direction from the north-eastern corner of the said enclosure numbered 502; A.D. 1929.

Work No. 3 A service reservoir in the urban district of Llanfrechfa Upper in the enclosure numbered 507 in the parish of Llanfrechfa Upper on the said ordnance map sheet XXIII. 10 at or near a point forty-four yards or thereabouts measured in an easterly direction from the north-eastern corner of the enclosure numbered 507a in that parish on that ordnance map and one hundred and four yards or thereabouts measured in a south-easterly direction from the enclosure numbered 512 in that parish on that ordnance map;

Work No. 3a Filter beds in the urban district of Llanfrechfa Upper in the enclosure numbered 507 in the parish of Llanfrechfa Upper on the said ordnance map sheet XXIII. 10 at or near a point seventy yards or thereabouts measured in an easterly direction from the north-eastern corner of the enclosure numbered 507a in that parish on that ordnance map and one hundred and fourteen yards or thereabouts measured in a southerly direction from the south-eastern corner of the enclosure numbered 152 in that parish on that ordnance map;

Work No. 4 An aqueduct conduit or line or lines of pipes in the urban district of Llanfrechfa Upper commencing in the enclosure numbered 507 in the parish of Llanfrechfa Upper on the said ordnance map sheet XXIII. 10 by a junction with the existing aqueduct belonging to the Llanfrechfa Council at a point immediately

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adjoining the northernmost corner of the enclosure numbered 508 in that parish on that ordnance map and terminating at or in the filter beds (Work No. 3a) hereinbefore described;

Work No. 5 An aqueduct conduit or line or lines of pipes in the urban district of Llanfrechfa Upper commencing at or in the service reservoir (Work No. 3) hereinbefore described and terminating in the enclosure numbered 507 in the parish of Llanfrechfa Upper on the said ordnance map sheet XXIII. 10 at a point twenty-seven yards or thereabouts measured in a south-easterly direction from the south-eastern corner of the enclosure numbered 512 in that parish on that ordnance map and one hundred and fifty yards or thereabouts measured in a north-easterly direction from the enclosure numbered 507a in that parish on that ordnance map.

Subsidiary
works.

17. In addition to the foregoing works the Board may upon the lands for the time being belonging to them for the purposes of the water undertaking or over which they may obtain easements make and maintain all such cuts channels catchwaters tunnels adits conduits pipes culverts drains sluices washouts byewashes shafts water towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches telegraphs telephones and other means of electric communication engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of
deviation.

18. In the construction of the works authorised by the section of this Act of which the marginal note is "Power to construct works" the Board may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such roads shall be deemed to be such limits and they may

also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards in the case of Work No. 1 by this Act authorised and ten feet in the case of the other works and in all cases to any extent downwards : A.D. 1929.

Provided that the Board shall not construct the embankment or dam of the said Work No. 1 of a greater height above the general surface of the ground than that shown on the deposited sections in respect of that embankment or dam and five feet in addition and that except for the purpose of crossing over a river stream or canal no part of the aqueducts conduits or lines of pipes 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.

19. If the works authorised by this Part of this Act and delineated on the deposited plans and sections are not completed within the period of seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Provided that the Board may extend enlarge alter reconstruct renew or remove any of their works and plant as and when occasion may require. Period for completion of works.

20.—(1) Subject to the provisions of this Act the Board may by means of the works transferred to and vested in them under the provisions of this Act collect impound take use divert and appropriate for the purposes of the undertaking the waters of the stream known as Blaen Bran Brook and all such springs and other streams and waters as may be intercepted by the said works. Power to take water.

(2) Subject to the provisions of this Act the Board may also by means of the waterworks collect impound take use divert and appropriate for the purposes of the undertaking the waters of the stream known as the Blaen Bran Brook or Cwmbran Brook and all such springs streams and waters as may be intercepted by the waterworks.

21.—(1) The Board shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament. Limiting powers of Board to abstract water.

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(2) The Board shall not at any time collect impound take use divert or appropriate any water from the Blaen Bran Brook eastward of a point on the said brook one hundred and ninety feet or thereabouts measured due south from the south-eastern corner of the enclosure numbered 511 in the parish of Llanfrechfa Upper on the $\frac{1}{2500}$ ordnance map (edition 1920) Monmouthshire sheet XXIII. 10 or from any tributary of the said brook entering the said brook eastward of the said point.

Temporary
discharge of
water into
streams &c.

22.—(1) For the purpose of constructing altering repairing emptying cleansing or examining any reservoir aqueduct line of pipes or other work for the time being belonging to them the Board may cause the water in any such work to be temporarily discharged into any available surface-water sewer stream or watercourse.

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

(3) The powers of this section shall not be exercised so as to damage the railways or works of any railway company.

Application
of Water-
works
Clauses Act
1847 to
aqueducts
discharge
pipes tele-
phones &c.

23. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the aqueducts conduits and lines of pipes by this Act authorised and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Board may determine and which accordingly they are hereby authorised to erect or lay down for the purposes of their undertaking :

Provided that the Board shall not lay down any such discharge pipes telephone or telegraph posts wires or apparatus in through across or under any road bridge or approach of the Great Western Railway Company except with the consent in writing of such company which consent shall not be unreasonably withheld and under the superintendence if given and to the reasonable

[19 & 20 GEO. 5.] *Llanfrechfa Upper* [Ch. xlv.]
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satisfaction of the engineer of such company and if any difference arises as to whether such consent is unreasonably withheld or whether the requirements of the said engineer are reasonable or otherwise such difference shall be referred to an arbitrator to be appointed (failing agreement) on the application of either party by the President of the Institution of Civil Engineers. A.D. 1929.

24. Any telegraphs telephones posts wires conductors apparatus or other means of electric communication made constructed laid down or erected under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 or be installed or worked in contravention of the Wireless Telegraphy Act 1904 or any statutory re-enactment or modification thereof and shall not be constructed or maintained in such a manner 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. For protection of Postmaster-General.

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

(2) The Board shall provide reasonable access for foot passengers bonâ fide going to or returning from any such house.

(3) The Board shall also provide reasonable access for foot passengers and vehicular traffic bonâ fide going to or from any railway station or depot of the Great Western Railway Company.

26.—(1) Subject to the provisions of this Act the Board shall have and may exercise for any of the purposes of the undertaking within and without the limits of supply the like powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without the district of such authority. Powers in relation to water mains.

[Ch. xlv.] *Llanfrechfa Upper* [19 & 20 GEO. 5.]
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A.D. 1929.

(2) In the application to the Board of section 16 of the Public Health Act 1875 the term "surveyor" in that section shall mean and be deemed to refer to the engineer of the Board.

(3) The Board shall not exercise the powers conferred by this section on any lands or property belonging to a railway company without the consent of the company to which such lands or property belongs which consent shall not be unreasonably withheld.

Powers for
protection
of waters
and water-
works.

27.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Board may by agreement purchase take on lease and acquire any lands in or over which any waters which the Board are for the time being authorised to collect impound take use divert or appropriate arise or flow and may hold such lands so long as they shall deem it necessary or expedient for those purposes Provided that the Board shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking.

(2) The Board may in and upon any lands so acquired by them construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Board are empowered to take from being polluted and the Board may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within any area in or through which any waters which may be taken by the Board arise or flow subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The powers conferred by this section shall not authorise the grant or enclosure of common without the consent of the Minister of Agriculture and Fisheries.

(4) The Board shall not exercise the powers conferred by this section on any lands or property belonging

[19 & 20 GEO. 5.] *Llanfrechfa Upper* [Ch. xlv.]
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to a railway company without the consent of the company to which such lands or property belongs which consent shall not be unreasonably withheld. A.D. 1929.

28. The Board may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of their waterworks with reference to the execution by the Board or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Board flowing to upon or from such lands directly or derivatively into such works. Power to agree as to drainage of lands &c.

PART V.

LANDS &C.

29. Subject to the provisions of this Act the Board may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works by this Act authorised. Power to take lands for works &c.

30. For the purpose of preventing the contamination of and ensuring the purity of any water which can or may be intercepted or taken by means of the works of the Board the Board may enter upon take and use the lands in the county of Monmouth hereinafter referred to and delineated on the deposited plans and described in the deposited book of reference and may hold and use the same for the purposes of and in connection with the water undertaking The lands in this section referred to are— Further powers for the acquisition of lands.

In the Parish of Llanfrechfa Upper—

Enclosures Nod. 2 3 4 487 488 489 490 491 492
 493 494 495 496 497 498 500 501 501A and
 504 on the $\frac{1}{2500}$ ordnance map for the said
 parish (edition 1920) Monmouthshire sheets
 Nod. XXIII. 6 XXIII. 10.

31. The powers of the Board for the compulsory purchase of lands and easements or rights for the purposes of this Act shall cease after the thirty-first day of October nineteen hundred and thirty-two. Period for compulsory purchase of lands &c.

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

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

Correction
of errors in
deposited
plans and
in book of
reference.

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

Board may
acquire
easements
only in cer-
tain cases.

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

[19 & 20 GEO. 5.] *Llanfrechfa Upper* [Ch. xlv.]
and Llantarnam Water Board Act, 1929.

and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Board require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts 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. A.D. 1929.

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

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

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

35. Where under the powers of this Act the Board have acquired or shall acquire any easement or right in under or through any lands for the construction of any conduit aqueduct pipe or other similar work the Board may at any time thereafter if they see fit purchase by agreement from the owner thereof the lands lying over under and alongside such conduit aqueduct pipe or other similar work. Power to purchase lands already subject to easements.

36. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of November Compensation in case of recently acquired interest.

[Ch. xlv.] *Llanjrechfa Upper* [19 & 20 GEO. 5.]
and Llantarnam Water Board Act, 1929.

A.D. 1929. — nineteen hundred and twenty-eight if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to Board to enter upon property for survey and valuation.

37. The Board 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 on account of entering or continuing upon any part of the said lands and buildings.

Costs of arbitration in certain cases.

38. The tribunal shall if so required by the Board award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Board by the claimant giving sufficient particulars and in sufficient time to enable the Board to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Board have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant :

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Board to amend the statement in writing of the claim delivered by him to the Board in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Board if they object to the amendment and such amendment shall be subject to such terms enabling the Board to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section. A.D. 1929.

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

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

40. The Board in addition to any land which they are otherwise by this Act authorised to acquire may from time to time by agreement purchase take on lease or otherwise acquire and hold for the purposes of the undertaking any lands (not exceeding in the whole ten acres) or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Board may deem necessary for those purposes and the Board on any lands acquired under this section may execute for the purposes of or in connection with the undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847. Provided that the Board shall not create or permit a nuisance on such lands and shall not erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking. Power to take additional lands by agreement.

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

42.—(1) Notwithstanding anything in the Lands Clauses Acts the Board may retain hold and use for the purposes of the undertaking for such time as they think Power to retain sell &c. lands.

[Ch. xlv.] *Llanfrechfa Upper* [19 & 20 GEO. 5.]
and Llantarnam Water Board Act, 1929.

A.D. 1929. — fit any lands for the time being belonging to them and may from time to time sell lease exchange or otherwise dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease exchange or disposition 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 :

Provided that the Board shall not without the consent of the Minister of Health 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 a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister of Health is necessary or has been obtained.

(2) Nothing in this section contained shall release the Board 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 contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Board or any person from or through whom the Board 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 enforced in like manner and to the same extent as if this Act had not been passed.

PART VI.

SUPPLY OF WATER.

Limits of
supply.

43. The limits of this Act for the supply of water by the Board shall be—

- (a) The urban district of Llanfrechfa Upper; and
- (b) The urban district of Llantarnam.

44. The water supplied by the Board need not at any time be delivered at a pressure greater than that afforded by gravitation from the service reservoir or tank from which the supply is given.

A.D. 1929.

—
Limits of
pressure.

45. The Board may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the service reservoir or tank from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of forty-eight hours and the Board shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Cisterns.

46.—(1) From and after the day of transfer the Board shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at such rates as the Board may from time to time determine not exceeding the rates per annum hereinafter specified (that is to say) :—

Rates for
supply of
water for
domestic
purposes.

Where the net annual value of the premises so supplied with water shall not exceed seven pounds at a rate per annum not exceeding fourteen per centum upon such net annual value;

Where such net annual value shall exceed seven pounds and shall not exceed twenty pounds at a rate per annum not exceeding thirteen per centum upon such net annual value;

Where such net annual value shall exceed twenty pounds and shall not exceed forty pounds at a rate per annum not exceeding twelve per centum upon such net annual value;

Where such net annual value shall exceed forty pounds at a rate per annum not exceeding eleven per centum upon such net annual value.

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(2) The net annual value of any such premises shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the net annual value of a part only of any hereditament entered in the valuation list or poor rate such net annual value shall be a fairly apportioned part of the net annual value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing rates the Board may in the case of any premises to which they furnish a supply of water charge for every water-closet 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 capable of containing not more than fifty gallons and for every bath capable of containing more than twenty gallons and not more than fifty gallons a sum not exceeding twelve shillings per annum and for every bath capable of containing more than fifty gallons such sum as the Board may think fit.

(4) When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Board 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.

(5) Any sums charged under subsections (3) and (4) of this section shall be recoverable at the like dates and in the same manner as other water rates or charges leviable by the Board under this section can be recovered.

Rates
payable by
owners of
small
houses.

47.—(1) Where the rateable value of a house supplied with water does not exceed ten pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Board so determine pay the rate for the supply but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement

be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. A.D. 1929.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of this section by the owner of any house and as if such first mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

48.—(1) If and so long as any direction given by a resolution of either of the constituent authorities passed under subsection (1) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 is in force in the constituent area of that authority the section of this Act of which the marginal note is "Rates payable by owners of small houses" shall cease to have effect in that constituent area and in lieu thereof the provisions of subsections (2) and (3) of this section shall have effect. Rates payable by owners in certain cases.

(2) With respect to every house or part of a house which is included in the class defined by the said resolution of the constituent authority and is supplied with water by the Board the owner instead of the occupier shall (if the Board so determine) pay the rate for the supply of water but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service on him of a notice to pay the rate.

The provisions of this subsection shall be in addition to and not in derogation of the provisions of section 72 of the Waterworks Clauses Act 1847.

(3) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of

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A.D. 1929. subsection (2) of this section by the owner of any house or part of a house and as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

Supply by
measure.

49. The Board may supply water for other than domestic purposes on such terms and conditions as the Board think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Price of
supply by
measure.

50. The price to be charged for a supply of water by measure shall not exceed two shillings per thousand gallons.

Supply to
houses
partly used
for trade
&c.

51.—(1) The Board shall not be bound to supply with water otherwise than by meter—

- (a) any buildings used by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any workhouse public institution hospital or asylum (whether public or private) sanatorium school club hotel assembly hall restaurant public-house or inn; or
- (c) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein.

(2) Where a supply of water to a farm-house is used for farming purposes the Board may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Board to refuse a supply of water for domestic purposes to a farm-house at the rates authorised by this Act.

(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 a domestic supply furnished to a dwelling-house of the same net annual value.

52. Where a person who takes a supply of water for domestic purposes from the Board desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Board shall be entitled to require that all water so used shall—

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—
 Charges for
 supplies for
 refrigerating
 apparatus.

(a) be taken by meter and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

(b) be paid for at such rates as may be agreed between the consumer and the Board.

53.—(1) Notwithstanding anything in this or any other Act relating to the Board contained a person shall not be entitled to demand or continue to receive from the Board a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Board to take a supply of water by meter and to pay to the Board such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Board by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

Special
 terms for
 supplies to
 caravans
 &c.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

54. The Minister of Health may if he thinks fit from time to time on the application of the Board or of a local authority having jurisdiction within the limits of supply by order vary either by way of increase or decrease the rates and charges for the supply of water which the Board are by this Act authorised to charge :

Revision of
 rates.

Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will provide a reasonable sum

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A.D. 1929. — as a contribution towards a reserve fund so long as such fund does not amount to the maximum prescribed by the section of this Act of which the marginal note is “Application of water revenue.”

Dates for
payment of
water rates.

55. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Board may demand all rates rents and charges payable to them for the supply of water by half-yearly instalments in advance on the first day of April and the first day of October in each year. Provided that such rates rents and charges shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

Discount
for prompt
payment of
water rates.

56. The Board may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per centum. Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers. Provided also that if and so long as the Board allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for water rates.

Separate
communica-
tion pipes
may be
required.

57.—(1) The Board shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

(2) If the owner of any house supplied with water by the Board when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Board may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

Mainten-
ance of
common
pipe.

58. Where 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

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by the Board in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Board. A.D. 1929.

59. Notwithstanding anything contained in any Act relating to the Board the Board shall have the exclusive right of executing any works on any of the water mains of the Board for connecting any communication or service pipes therewith and the Board shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Board execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Board in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt. Board to connect communication pipes with mains.

60. A notice to the Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Board or be given personally at the office of the Board. Notice of discontinuance.

61.—(1) The Board may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this Act referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination. Byelaws for preventing waste &c.

(2) Such byelaws shall apply only in the case of premises to which the Board are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

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(3) In case of failure of any person to observe such byelaws as are for the time being in force the Board may if they think fit after twenty-four hours' notice in writing enter the premises of or occupied by such person and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Board as the water rates in respect of the premises are recoverable.

(4) Any byelaws made by the Llanfrechfa Council under the provisions of the Act of 1884 and in force on the day of transfer shall continue in force until byelaws under this section shall have been made and confirmed.

Meters &c.
to measure
water or
detect
waste.

62.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Board may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Board and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public and private streets roads lanes footways courts passages tramways sewers pipes wires and apparatus:

Provided that the Board shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

(2) Provided also that the Board shall not enter upon break up or interfere with the railway or works or any electric lines wires or apparatus belonging to a railway company or any street belonging to such company without the consent of that company which consent shall not be unreasonably withheld nor shall the Board unreasonably obstruct or interfere with the access to or exit from any station or depot of that company.

Power to
Board to
repair com-
munication
pipes.

63. If in the opinion of the Board any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Board

are not under obligation to maintain it shall be lawful for the Board to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Board for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Board from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable Provided that except in case of emergency the Board shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

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64. The Board may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary and otherwise) and conditions as they think fit.

Power to
sell meters.

65. Before any person connects or disconnects any meter by means of which any of the water of the Board is intended to be or has been registered he shall give not less than twenty-fours' notice in writing to the Board of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Board and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to
Board of
connecting
or discon-
necting
meters.

66.—(1) 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 and in respect of which any water rate rent or charge is charged and sought to be recovered by the Board Provided always that if the Board and the person to whom the water is supplied differ as to

Register of
meters to be
prima facie
evidence.

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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 the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Board shall be paid by or to the Board to or by the consumer as the case may be and shall be recoverable in the like manner as rates for water are recoverable by the Board.

Injuring
meters &c.

67.—(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 Board 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 Board shall (without prejudice to any other right or remedy for the protection of the Board) be liable to a fine not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained.

(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 fittings belonging to the Board 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 Board the Board may also 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 ensuring the proper registering by such meter or other instrument 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 Board by the person so offending and may be recovered by them as water rates are recoverable. A.D. 1929.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Board 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.

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

69. 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 Board who shall without the authority of the Board turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Board 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. Penalty for opening valves &c.

70. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Board may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Board in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds. Extension of power to inspect premises.

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Power to
supply
fittings.

71.—(1) The Board may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Board in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Board as the actual owners thereof.

(3) All fittings let for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Board. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided also as follows:—

(a) The Board shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(b) Every sum charged by the Board in respect of the provision of such fittings or the fixing repairing or removal thereof shall be clearly stated in every demand note delivered by the Board to the consumer;

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- (c) The total sums expended and received by the Board in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the undertaking for that year. A.D. 1929. —

72. The Board by their agents or workmen after forty-eight hours' notice in writing under the hand of the manager of the undertaking or some other officer of the Board 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 Board is laid or fixed and through or in which the supply of water is from any cause other than the default of the Board 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 of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal. Power to remove meters and fittings.

73. The Board may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation with this Act. Power to lay pipes in streets not dedicated to public use.

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

(2) The Board may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Board shall be repaid by the owner or occupier with whom the agreement is made.

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Contracts
for supply-
ing water
in bulk.

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

PART VII.

FINANCE.

Power to
borrow.

76.—(1) The Board may from time to time 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 respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column of the said table (namely) :—

1	2	3
	£	
(a) For redeeming any liability to make any annual payment to the Llanfrechfa Council under subsection (2) of the section of this Act of which the marginal note is "Consideration for transfer."	The sum requisite.	The period ending on the 31st March 1960.
(b) For and in connection with the purchase of lands and easements.	1,650	Sixty years from the date or dates of borrowing.
(c) For and in connection with the construction of the subsiding reservoir and the service reservoir (Works Nos. 1 and 3) by this Act authorised.	16,000	Forty years from the date or dates of borrowing.
(d) For and in connection with the construction of the filter beds (Work No. 3A) by this Act authorised.	2,200	Twenty-five years from the date or dates of borrowing.

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1	2	3	
(e) For and in connection with the construction of the aqueducts conduits or lines of pipes (Works Nos. 4 and 5) by this Act authorised and for additional mains service pipes and other waterworks purposes.	£ 1,700	Thirty years from the date or dates of borrowing.	
(f) For working capital - - -	3,000	Ten years from the date or dates of borrowing.	
(g) For paying any sums payable by the Board under the section of this Act of which the marginal note is "Costs of Act."	The sum requisite.	Five years from the date of the passing of this Act.	

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

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

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

77. The Board may raise all or any moneys which they are authorised to borrow or re-borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purposes of such issue under the Local Loans Act 1875 the Board shall be deemed a local authority under that Act and the revenues of the Board shall be deemed to be the local rate as defined by the said Act Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

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Board may
issue stock.

78. The Board shall be deemed to be an urban authority within the meaning of Part V of the Public Health Acts Amendment Act 1890 and to have adopted that Part of that Act and the Board may exercise their borrowing powers by the creation and issue of stock in the manner by that Act provided and subject to the provisions therein contained and the regulations made thereunder Provided that the Minister of Health may by order make all such variations additions amendments and adaptations of all or any of the provisions contained in that Part of the said Act or in the regulations made thereunder as may be necessary to make the same applicable.

Mortgages
&c. to rank
pari passu.

79. All mortgages debentures annuity certificates and stock granted or issued by the Board under any statutory borrowing power and the interest thereon shall be charged indifferently on all the revenues of the Board and shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the granting or issue of the security or on any other account whatsoever.

Provisions
of Public
Health Act
1875 as to
mortgages
to apply.

80. The following sections of the Public Health Act 1875 with any necessary modifications shall extend and apply to mortgages granted under this Act :—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Provisions
as to trans-
fers of
mortgages.

81.—(1) Every deed of transfer of any mortgage of the Board shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(2) The Board before registering any such transfer may if the circumstances appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(3) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Board may require.

Evidence of
transfer or
transmission
of securi-
ties.

82. It shall not be obligatory on the Board 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 Board (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 or the Board's registrar of stock 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.

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83. The Board 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 one year or when the money is repaid by half-yearly instalments or by half-yearly payments to the sinking fund within six months of the date of borrowing.

Mode of
payment off
of money
borrowed.

84.—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained by payment to the fund throughout the period prescribed for the repayment of the money so borrowed (hereinafter referred to as "the prescribed period") of either—

Sinking
fund.

(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 would with accumulations at a rate not exceeding three and a half per centum per annum or such higher rate as the Minister of Health may from time to time approve be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed; and

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(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 fund at the rate per centum 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 reserve 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 Board 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 Board to the credit of the revenues of the Board.

(4) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by 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 Board in addition to the payments provided for by this section.

(6) If it appears to the Board at any time that the amount in the 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 Board to make such increased payments to the sinking fund as will cause the sinking fund to be

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sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Board shall increase the payments to such extent as the Minister may direct. A.D. 1929.

(7) If the Board 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 the provisions of this section together with the probable accumulations thereon (if an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board 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 the probable accumulations thereon (if an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may with the consent of the Minister discontinue the annual payments 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 Board with the consent of the Minister of Health may determine.

85. Notwithstanding anything in this Act the Board 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 or other similar fund of the Board (in this section referred to as "the lending fund") subject to the following conditions :—

Use of
moneys
forming
part of
reserve and
other funds.

- (1) The money so used shall be repaid to the lending fund within the period and by the methods within and by which a loan raised under the

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statutory borrowing power would be repayable
Provided that the Board 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 revenues of the Board or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

- (2) 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 Board 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 and such interest shall be paid out of the revenues of the Board :
- (3) 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 provision of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Protection
of lender
from inquiry.

86. A person lending money to the Board under this Act shall not be bound to inquire as to the observance by the Board of any of the provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Board not
to regard
trusts.

87. The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject

and whether or not the Board have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. A.D. 1929.

88.—(1) Any mortgagee of the Board by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole. Appoint-
ment of
receiver.

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

89.—(1) The Board shall have power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

Power to
re-borrow.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Board shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Board shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) By instalments or annual payments; or

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- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Consoli-
dated loans
fund.

90.—(1) Notwithstanding anything contained in any Act or Order the Board may if they think fit establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received—

- (a) all moneys borrowed by the Board whether by the issue of stock or other security together with any moneys borrowed without security in connection with the exercise of statutory borrowing powers;
- (b) all moneys of a capital nature received by the Board whether from the sale of capital assets or otherwise except such as are applied by the Board with due authority to another capital purpose;
- (c) the appropriate sums provided in each year out of other funds of the Board to comply with the terms and conditions as to repayment attaching to their several borrowing powers; and
- (d) a sum or sums equal to the aggregate amount of all dividends or interest payable in each year on the stock mortgages or other securities issued in exercise of the statutory borrowing powers of the Board and remaining outstanding:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except of such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Board as aforesaid before the date on which the consolidated loans fund shall be established.

(2) The moneys of the consolidated loans fund (subject as hereinafter provided) shall be used or applied by the Board—

- (a) in the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Board;

- (b) in the redemption of stock or any other securities issued by the Board the purchase of stock for extinction or the repayment of any moneys borrowed by the Board; or
- (c) in the payment of dividends and interest on the stock mortgages or other securities issued in the exercise of the statutory borrowing powers of the Board and remaining outstanding :

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Provided that any moneys of the consolidated loans fund pending use or application as aforesaid may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund.

(3) The powers conferred by this section shall not be put into operation by the Board except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

91. Where sums are set apart as a sinking fund for the purpose of paying off principal moneys borrowed by the Board under any statutory borrowing power or appropriated to a reserve fund under this or any other Act relating to the Board the interest received in any year from the investment of the sums so set apart or appropriated shall form part of the revenue or fund out of which the sums were set apart or appropriated
 Provided that—

Interest on
and pay-
ments to
sinking
funds and
reserve
funds.

- (1) In the case of an accumulating sinking fund the contributions to such fund out of such revenue or fund shall in that year be increased by a sum equal to the interest which would have accrued thereto if interest calculated at the rate per centum per annum on which the annual payments to the sinking fund are based had been accumulated in the sinking fund :
- (2) In the case of a reserve fund a sum equivalent to the amount so carried to the revenue or fund as aforesaid shall be added to such reserve fund unless and until the reserve fund has reached the prescribed maximum.

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Proceeds of
sale of
surplus
lands.

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

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

Return to
Minister of
Health with
respect to
repayment
of debt.

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

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Board and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk 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 enforceable 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 Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding 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 Board 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. A.D. 1929.
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94. All moneys borrowed by the Board under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed for working capital) to which capital is properly applicable. Application of money borrowed.

95. Where more persons than one are registered as joint holders of any stock or mortgage of the Board any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Board by any other of them. Interest on stock and mortgages held jointly.

96. If any moneys are 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 Board. Receipt in case of persons not sui juris.

97.—(1) Before the commencement of every financial year or half-year as they may determine or as soon thereafter as may be practicable the Board shall make or cause to be made an estimate of the probable revenue and expenditure (other than capital expenditure) which will be received and incurred respectively during the year or half-year as the case may be and if such estimate shows that there will be a deficiency in the net revenue of the Board for the year or half-year as the case may be the Board are hereby authorised and required in every Apportionment of deficiency in net revenue of Board.

[Ch. xlv.] *Llanfrechfa Upper* [19 & 20 GEO. 5.]
and Llantarnam Water Board Act, 1929.

A.D. 1929. — case forthwith to apportion the sum required to meet such deficiency whether for satisfying past or future liabilities between the constituent authorities in proportion to the respective net annual values appearing in the valuation lists in force on the preceding first day of April of the premises at that date supplied by the Board with water for domestic use in their respective constituent areas.

(2) The Board shall issue precepts to the constituent authorities for the amounts apportioned in pursuance of this section and the constituent authorities respectively shall within three months from the receipt of such precepts or by instalments of such amounts and payable within such times as may be specified in the precepts pay to the Board the amount so apportioned to them respectively.

(3) Such amounts respectively shall be paid by the Llanfrechfa Council and the Llantarnam Council out of their respective general rate funds and general rates which funds and rates are hereby charged with the payment of such amounts accordingly and the constituent authorities respectively are hereby authorised and required to make and levy any rate or issue any precept that may be necessary for providing the amounts payable as aforesaid.

(4) If any constituent authority fails to pay any amount so apportioned or any instalment of such amount as may have been specified in any such precept as the case may be within the time in which the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of ten per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say) :—

(a) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction;

(b) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to

be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting authority such sum to be specified in the precept as in the opinion of the Board will be sufficient to pay the amount in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority. A.D. 1929.

(5) Any receiver appointed under this Act upon the application of the mortgagees of the Board shall be entitled to receive the amounts so apportioned by the Board between the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

98. The Board shall apply all money received by them on account of the revenue of the undertaking in manner and in the order following (that is to say):— Application of water revenue.

First In payment of the working and establishment expenses and cost of maintenance of the undertaking (including the payment of any moneys payable by the Board in respect of any water supplied to them);

Secondly In payment of the interest on moneys borrowed by the Board for the purposes of the undertaking;

[Ch. xlv.] *Llanfrechfa Upper* [19 & 20 GEO. 5.]
and Llantarnam Water Board Act, 1929.

A.D. 1929.

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board;

Fourthly In extending improving and constructing (if the Board think fit) any works for the purposes of the undertaking;

Fifthly In providing further working capital (if the Board think fit);

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

Lastly The surplus (if any) including the interest on the reserve fund when such fund amounts to the prescribed maximum shall after retention by the Board of such sum as is required for carrying on the undertaking be apportioned among and paid to the constituent authorities in proportion to the respective net annual values appearing in the valuation lists in force on the preceding first day of April of the premises at that date supplied by the Board with water for domestic use in their respective constituent

areas and the sums paid to the Llanfrechfa Council and the Llantarnam Council shall be carried to the credit of their respective district funds and general district rates or general rate funds and general rates. A.D. 1929.

99. All expenses incurred by the Board in carrying into execution the provisions of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for may be paid out of the revenues of the Board. Expenses of execution of Act.

100. The Board may pay any reasonable expenses incurred by members of the Board in attending at conferences or meetings of the Board and committees of the Board. Expenses of members.

101. The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Board and of their committees and officers and to the audit thereof and the accounts of the Board shall be made up to the thirty-first day of March in each year. Accounts and audit.

102. The provisions of sections 3 and 4 of the Local Authorities (Financial Provisions) Act 1921 shall extend and apply to the Board as if they were a local authority within the meaning of the said Act. Temporary borrowing and suspension of sinking funds.

PART VIII.

MISCELLANEOUS.

103.—(1) The Board shall for the purposes of their powers and duties under this Act or otherwise with respect to the supply of water within the limits of supply have power— Subsidiary powers of Board.

(a) To acquire hire erect and furnish such buildings and offices as they may require; and

(b) To purchase water in bulk.

And for the purpose of taking any supply of water purchased in bulk the Board may have and shall be entitled to exercise and enjoy outside the limits of supply all the rights powers and authorities conferred by the

[Ch. xlv.] *Llanfrechfa Upper* [19 & 20 GEO. 5.]
and Llantarnam Water Board Act, 1929.

A.D. 1929. — provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the said provisions shall apply to so much of any street or road outside the limits of supply as the Board shall require to break up for the purposes aforesaid as if the same were streets or roads within such limits.

(2) The Board shall also have power to promote or oppose any Bill in Parliament or any Provisional Order or Special Order and to prosecute or defend legal proceedings.

(3) The Board may pay the costs and expenses of and incidental to the promotion of or opposition to any such Bill in Parliament or the opposition to any such Provisional Order or Special Order as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenues as part of their working expenses
Provided that—

(a) No expenses in relation to the promotion of any such Bill shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by an absolute majority of the whole number of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in two newspapers circulating in the districts of the constituent authorities such notice to be in addition to the ordinary notices required for summoning such meeting;

(b) No further expenses shall be incurred or paid as aforesaid after the deposit of the Bill unless the propriety of the promotion of the Bill shall be confirmed by such absolute majority at a further meeting of the Board to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament and shall have received the approval of the Minister of Health.

As to collection of rates &c.

104. The Board and each of the constituent authorities may enter into and carry into effect agreements with respect to the collection by such authority of the rates and charges which the Board are authorised to levy and take for and in connection with the supply of water within the district of such authority.

105. Any agreement which may be made between the Board and either of the constituent authorities under the section of this Act of which the marginal note is "As to collection of rates &c." may with respect to the whole or any part of the rates and charges which the Board are authorised to levy and take for and in connection with the supply of water within the constituent area of that authority provide for all or any of the following matters :—

A.D. 1929.

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 As to collection of water rates by constituent authorities.

- (i) That the authority may with the consent of the Board levy and recover such rates and charges as though they were payable to the authority and not to the Board;
- (ii) That the authority may pay the money received in respect of such rates and charges to their own treasurer;
- (iii) That all accounts and records of the authority in respect of such rates and charges shall be audited as part of the accounts of the authority as though the provisions of section 247 of the Public Health Act 1875 (including the auditor's power of disallowance and surcharge) were applicable thereto;
- (iv) That the authority shall make periodical payments to the Board by way of advance in respect of such rates and charges in such instalments and at such dates as may be agreed;
- (v) That the authority shall keep a running account with the Board and shall account to the Board for the difference between the sums ultimately ascertained to be due to the Board and the payments made to the Board by way of advance.

106. The Board may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and to any industrial exhibitions and to the benevolent and accident and sick funds of the employees of the Board and may for any of those purposes apply the revenues of the Board.

Donations subscriptions &c.

107. The Board shall be deemed to be a local authority within the meaning of the Local Government and other Officers' Superannuation Act 1922.

Superannuation of officers and servants.

[Ch. xlv.] *Llanfrechfa Upper* [19 & 20 GEO. 5.]
and Llantarnam Water Board Act, 1929.

A.D. 1929.

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Confirma-
tion of bye-
laws.

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

Extension of
sections 176
and 303 of
Public
Health Act
1875 to
Board.

109.—(1) Sections 176 and 303 of the Public Health Act 1875 shall extend and apply to and the powers thereof may be exercised by the Board as if they were a local authority within the meaning of those sections and the limits of supply were their district and on the petition or application of the Board the Minister of Health may make such orders as they are by those sections empowered to make on the petition or application of a local authority.

(2) The provisions of this section shall be in addition to and not in derogation of any other powers conferred by this Act.

Incorpora-
tion of sec-
tions 259
and 265 of
Public
Health Act
1875.

110. Sections 259 and 265 of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively and the purposes of this Act were purposes of the Public Health Act 1875.

Inquiries by
Minister of
Health.

111.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any of the powers conferred upon him or the giving of any consents 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 Board shall pay to the Minister of Health 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 for the services of such inspector.

Local
taxation
returns.

112. The Board shall be deemed to be a local authority within the meaning of the Local Taxation Returns Acts 1860 and 1877.

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

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 Justices not
 disqualified.

114. Where the payment of more than one sum by any person is due under this Act or any other Act or Order relating to the Board any summons or warrant issued for any of the purposes of such Acts or Orders in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several
 sums in one
 summons or
 warrant.

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

Recovery of
 penalties
 &c.

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

Recovery of
 demands.

117. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Board be paid to the treasurer of the Board and be by him carried to the credit of the revenue of the undertaking.

Application
 of penalties.

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

Authentica-
 tion and
 service of
 notices &c.

(2) Notices demands orders precepts and other documents required or authorised to be served under 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 Provided that in the case of any company any such notice demand order precept or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

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and Llantarnam Water Board Act, 1929.

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For protec-
tion of
Pontypool
Park Estate.

119. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions for the protection of Ruth Julia Margarete Tenison or other the owner or owners for the time being of the Pontypool Park Estate (in this section respectively referred to as "the owner" and "the estate") shall unless otherwise agreed in writing between the owner and the Board apply and have effect (that is to say) :—

- (1) Within three months after the day of transfer the Board shall purchase and the owner shall sell all the minerals under the surface of the lands in the parish of Llanfrechfa Upper shown upon the plan (in this section referred to as "the signed plan") signed in duplicate by Robert Ithel Treharne Rees on behalf of the owner and by Blethyn Treharne Rees on behalf of the Board and thereon hatched blue for the sum of two hundred and seventy-five pounds :
- (2) Within the said period of three months the Board shall purchase and the owner shall sell that part of the estate known as the Blaenbran Farm and being the lands referred to in the section of this Act whereof the marginal note is "Further powers for the acquisition of lands" for the sum of one thousand pounds but there shall be excluded from such purchase and sale all the minerals under the said lands (except such as will be acquired by the Board in pursuance of the provisions of subsection (1) of this section) and it shall be lawful for the owner her lessees and tenants at all times to work all the minerals excluded from such purchase and sale in accordance with the law and custom of mining in the district and to do all acts necessary or convenient for that purpose without being responsible to the Board for any injury which may be occasioned by subsidence or otherwise Provided always that the owner her lessees and tenants shall not be entitled to enter upon break up or use the surface of the said lands for the purpose of working such minerals :
- (3) Within the said period of three months the Board shall pay to the owner the sum of one hundred

pounds in consideration of the abandonment and release by the owner of the right to take during any working day from the quarry springs and the upper springs referred to in subsection (1) of section 8 (As to compensation water) of the Act of 1884 a quantity of water not exceeding ninety thousand gallons and the owner may and shall abandon and release such right accordingly :

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- (4) The owner her lessees and tenants shall at all times have uninterrupted access to the air shaft in the enclosure numbered 18 on the deposited plans for the purpose of inspecting and repairing the said shaft and the free use of the said shaft but as an air shaft only for and in connection with the working of such of the minerals under the estate as will not be acquired by the Board Provided always that nothing in this subsection contained shall confer upon the owner her lessees or tenants any right of access over or under the surface of the lands hatched blue upon the signed plan or authorise any interference with the minerals acquired by the Board in pursuance of the provisions of subsection (1) of this section :
- (5) If and so long as water is available in the Blaen Bran Brook to flow by gravitation through the existing intake situate in the enclosure numbered 496 in the parish of Llanfrechfa Upper on the $\frac{1}{2500}$ ordnance map Monmouthshire sheet XXIII. 10 edition 1920 the Board shall provide and maintain a free supply of water to the Waun Howell and Greenmeadow Farms belonging to the owner and shall continue to supply with water free of charge the two cattle drinking troughs situate on the estate in the enclosures No. 7 and No. 11 in the said parish on the said ordnance map Provided that the Board shall not be required to provide any greater supply of water under the provisions of this subsection than will flow by gravitation through a pipe of three quarters of an inch in diameter :

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- (6) Any difference which may arise between the Board and the owner with respect to any of the provisions of this section shall be referred to a single arbitrator who unless otherwise agreed between the Board and the owner shall be appointed by the President of the Surveyors' Institution and the Arbitration Act 1889 shall apply to any such reference.

For protec-
tion of
Great West-
ern Railway
Company.

120. For the protection of the Great Western Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the company and the Board apply and have effect (that is to say) :—

- (1) In constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of any work of the Board by this Act authorised or any of the water works by this Act transferred to and vested in the Board which may be situate upon across over under or in any way affecting the railway (which expression shall where the context so admits include the Monmouthshire Canal of the company) or works of the company the same shall be done by and in all things at the expense of the Board except as in this section is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company and at such time or times as he shall reasonably approve and so as not (save with the consent of the company which consent shall not be unreasonably withheld) to interfere with the structure of any bridge belonging to the company and except 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-one days after they shall have been submitted to him he shall be deemed to have approved thereof :

- (2) The Board shall restore and make good to the reasonable satisfaction of the said engineer the railway and works of the company and the roads which the company are liable to maintain 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 Board : A.D. 1929.
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- (3) If the company so elect they may themselves in the case of any level crossing execute and maintain the said works (other than the actual laying down and maintenance of the pipes) and may recover the reasonable costs of so doing from the Board (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the company in and about such works) :
- (4) All such works shall be constructed executed and maintained so as to cause as little injury as may be to the railway or works of the company and so as not to cause any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption shall arise from the acts or operations of the Board or by reason of the failure of the Board to maintain such works or if any bursting leakage or failure of the works of the Board over under or near to any railway or works of the company constructed or acquired under powers in existence at the passing of this Act shall cause any injury to such railway or works all such injury shall forthwith be made good by the Board at their own expense and to the reasonable satisfaction of the said engineer and the Board shall indemnify the company from all claims in respect of any such injury or interruption and shall make compensation to the 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 :

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- (5) In the event of the Board failing to make good such injury as aforesaid or failing to maintain all such works (where they pass under or over the railway or works of the company) in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the company may make good the same and make and do in and upon as well the lands of the Board as 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 Board :
- (6) If it should be necessary during the construction of any works authorised by this Act or by reason of the existence of the same 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 company the company may effect such alterations and the Board shall repay to them the reasonable expenses incurred by them in and connected with such alterations :
- (7) The Board shall not under the powers of this Act acquire compulsorily any lands of the company :
- (8) The Board shall bear and on demand pay to the 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 under or across the railway or works of the company of such signalmen or watchmen to be appointed by the 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 Board or their contractors or any person or persons in the employ of the Board or their contractors :

(9) If the company at any time or times hereafter A.D. 1929.

in pursuance of any powers existing at the passing of this Act require to construct any additional or other works upon their lands or railway or to extend alter or repair their railway or other works upon across over or under which any of the works of the Board may have been constructed or laid the company may after giving to the Board twenty-one days' notice in writing under the hand of their secretary or general manager or in case of emergency after giving such notice as is reasonably practicable divert support or carry the said works of the Board 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 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 company under this subsection shall be executed in accordance with plans sections and specifications previously submitted to and reasonably approved by the Board and to the reasonable satisfaction of the Board :

(10) Any additional expense which the company may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the passing of this Act their railway or other works by reason of the existence of the works of the Board laid or executed under the powers of this Act upon across over or under the same shall be paid by the Board :

(11) The Board shall not without the previous consent of the company exercise the powers conferred on them by the section of this Act of which the marginal note is " Power to lay pipes

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in streets not dedicated to public use" in respect to any streets or roads which are the property of the company but such consent shall not be unreasonably withheld :

- (12) Any difference arising between the Board and the company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

Costs of
Act.

121. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the constituent authorities in the same proportions and the same manner as any deficiency in the revenues of the Board is by this Act required to be raised and paid by the constituent authorities but in each case the amount so paid shall be repaid to the constituent authorities by the Board out of the moneys to be borrowed by them under the powers of this Act.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1929.

CONSTITUTION AND PROCEEDINGS OF THE LLANFRECHFA
UPPER AND LLANTARNAM WATER BOARD.

PART I.—PROVISIONS AS TO APPOINTMENT AND QUALIFICATION OF
MEMBERS TENURE OF OFFICE CASUAL VACANCIES &c.

(1) The first appointment of members of the Board by each constituent authority shall be made at a meeting of the constituent authority to be held within two months after the passing of this Act or within such further time as the Minister of Health shall allow and the members so appointed shall subject to the provisions of this Act continue in office for such period not being less than one year as the constituent authority by whom they are appointed shall determine but not beyond the annual meeting of the Board in the year 1932.

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

(3) If any constituent authority fail to appoint first members of the Board as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if any constituent authority fail subsequently to appoint members of the Board at the proper time for their appointment the then existing members of the Board representing such authority and qualified to be members of the Board shall continue in office till their successors are appointed.

(4) A person shall not be qualified to be a member of the Board unless he is a member of the constituent authority by which he is appointed.

(5) A person shall not be qualified to represent more than one constituent authority and if the same person shall be appointed a member of the Board by more than one constituent authority he shall choose under which appointment he will serve and the other appointment shall be deemed void.

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(6) If a member of the Board ceases to be a member of the constituent authority by which he has been appointed or becomes disqualified he shall cease to be a member of the Board except in the case where he only ceases to be a member of such authority by rotation and is forthwith re-elected a member of such authority.

(7) A person shall be disqualified for being appointed or being a member of the Board if he—

(a) holds any paid office under the Board save as permitted by this Act; or

(b) is concerned in any bargain or contract entered into with the Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board :

Provided that a person shall not be disqualified for being appointed or being a member of the Board by reason of being interested—

(i) in the sale or lease of any lands or in any loan of money to the Board or in any contract with the Board for the supply from land of which he is owner or occupier of water or materials for work done by or under the authority of the Board; or

(ii) in any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(iii) in any bargain or contract with the Board as a shareholder in any company but he shall not vote at any meeting of the Board on any question in which he is so interested.

(8) Whenever an appointment of a member of the Board has been made the clerk to the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith transmit the certificate to the clerk. Provided that in the case of the first appointment the clerk of each constituent authority shall return the names of the members appointed by his authority to the clerk of the other constituent authority.

(9) A member of the Board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the Board.

(10) Any member of the Board may be removed at any time by resolution of the constituent authority by which he was appointed.

(11) If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent authority by whom he was appointed may at any time after the

happening of such vacancy appoint another person to be a member of the Board in his place who shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office. A.D. 1929.
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(12) Subject to the provisions of this Act the term of office of any chairman and vice-chairman shall be one year.

(13) A chairman and vice-chairman may if otherwise qualified be re-appointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(14) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification or otherwise another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would regularly have gone out of office.

(15) If any member is absent from meetings of the Board for more than six months consecutively except for some reason approved by the Board he shall on the expiration of that period vacate his office.

(16) Where any member becomes disqualified for holding office or vacates his office from absence or otherwise the Board shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he was appointed in such manner as the Board think fit.

PART II.—PROVISIONS AS TO MEETINGS AND PROCEEDINGS.

(1) The Board shall hold their first meeting at such place and on such day and at such time as may be agreed between the constituent authorities or failing such agreement as shall be appointed for the purpose by the Minister of Health and subsequent meetings of the Board (including their annual meetings) shall be held at such places on such days and at such times as the Board may from time to time appoint. Provided that the Board shall hold their annual meeting in the month of May in every year.

(2) The chairman or any four or more members of the Board may at any time by writing addressed and sent to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly.

(3) The meetings of the Board shall be convened by the clerk to the Llanfrechfa Council until the Board have appointed a clerk and afterwards by the clerk. Every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence two clear days at least before the day of the meeting.

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and Llantarnam Water Board Act, 1929.

A.D. 1929.

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(4) To constitute a meeting of the Board there must be present not less than one-third of the members of the Board.

(5) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint a chairman and a vice-chairman for the ensuing year.

(6) (a) At every meeting the chairman of the Board shall preside but if he is not present at the time appointed for the meeting the vice-chairman if present shall preside and if neither the chairman nor the vice-chairman are present the members then present shall choose one of their number to preside at that meeting.

(b) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote Provided always that if at any meeting neither the chairman nor the vice-chairman be present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

(7) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and copies or prints of such minutes shall after each meeting be forwarded by the clerk to the clerk to each constituent authority and the minutes shall be signed by the chairman or other member presiding at the next ensuing meeting.

(8) (a) A minute of the proceedings of the Board or of a committee of the Board signed at the same or the next ensuing meeting by a member of the Board describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(b) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

PART III.—GENERAL.

(1) Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings.

(2) The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any

[19 & 20 GEO. 5.] *Llanfrechfa Upper* [Ch. xlv.]
and Llantarnam Water Board Act, 1929.

purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any powers of raising money or of fixing or varying the charges to be made for the supply of water by the Board) to any committee of the Board so appointed. The provisions of section 82 of the Local Government Act 1888 with respect to proceedings of committees of county councils shall apply to committees of the Board as if they were committees of a county council. A.D. 1929.

(3) The Board may appoint and may remunerate a clerk deputy-clerk manager engineer treasurer accountant and such other officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall (subject to the terms of their appointment) be removable by the Board at their pleasure. No member of the Board or of either of the constituent authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of a constituent authority. All acts and things required or authorised to be done by the clerk may (subject to any restrictions imposed by the Board) be done by the deputy-clerk and a deputy-clerk may act notwithstanding a vacancy in the office of clerk.

(4) No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board.

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