



CHAPTER lxxv.

An Act to empower the urban district council of Bedwas and Machen to supply gas within the parish of Machen Upper in their district and parts of certain adjoining parishes and for other purposes. [31st July 1914.] A.D. 1914.

WHEREAS the district of Bedwas and Machen in the county of Monmouth (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Bedwas and Machen (in this Act called "the Council"):

And whereas the district consists of the parish of Bedwas and the parish of Machen Upper and the parish of Machen Upper is without a supply of gas and there is no company or person authorised to supply gas therein and it is expedient that the supply of gas throughout the said parish should be in the hands of the Council and that the Council should be authorised to erect gasworks for the supply of the said parish and to acquire lands therefor:

And whereas the parishes of Rudry and Rhydygwern in the rural district of Llandaff and Dinas Powis in the county of Glamorgan adjoin the parish of Machen Upper and are without a supply of gas and it is expedient to authorise the Council to supply gas in portions of such parishes:

And whereas estimates have been prepared by the Council for the purchase of land for and for the erection of gasworks and such estimates amount to the sum of ten thousand four hundred and seventy pounds:

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

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

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 and the approval of the Local Government Board has been obtained:

And whereas plans of the lands and other property intended to be taken or used compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and property required or which may be taken or used for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Monmouth and are in this Act referred to as the deposited plans and book of reference:

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the *Bedwas and Machen Urban District Council Act 1914.*

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands and gasworks.

Part III.—Supply of gas.

Part IV.—Financial.

Part V.—Miscellaneous.

Incorporation of Acts.

3. The following 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 and form part of this Act (namely):—

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

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The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) Provided that section 13 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Council shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section: A.D. 1914.

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

4. In this Act the several words and expressions to which meanings are assigned in the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires— Interpretation.

"The district" means the urban district of Bedwas and Machen;

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

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

"The limits of supply" means the limits within which the Council are by this Act authorised to supply gas;

"The gas undertaking" means the gas undertaking of the Council authorised by this Act;

"The clerk" means the clerk appointed by the Council in pursuance of the powers of any public Act;

"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

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authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or 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 confirmed by Act of Parliament passed or to be passed or under any 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;

“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council;

Words and expressions to which meanings are assigned by the Public Health Acts have the same respective meanings.

PART II.

LANDS AND GASWORKS.

Power to acquire lands compulsorily.

5. The Council may for the purposes of the gas undertaking enter upon take hold and use the lands delineated upon the deposited plans and described in the deposited book of reference and in the First Schedule to this Act.

Period for compulsory purchase of lands.

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

Correction of errors in deposited plans and

7. If there be any omission misstatement 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

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book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Monmouth for the correction thereof and if it appear to the justices that the omission misstatement 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 misstated 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 Council to take the lands and execute the works in accordance with such certificate.

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book of
reference.

8. The Council may upon the lands described in the First Schedule to this Act or any part or parts thereof erect construct lay down provide maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers and other works for the manufacture and storage of gas and the manufacture conversion and storage of residual products resulting from the manufacture of gas and also sidings rails and other works and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas accordingly and may on the said lands make and store gas and manufacture convert and store all residual products resulting from the manufacture of gas.

Powers as to
erection of
gasworks
&c.

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

Persons
under disa-
bility may
grant ease-
ments &c.

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Power to purchase additional lands by agreement.

10. The Council may for the purposes of the gas undertaking purchase and take (by agreement but not otherwise) and may hold in addition to any other lands which the Council are by this Act authorised to acquire and hold any lands and hereditaments not exceeding in the whole five acres which the Council may from time to time require for such purposes but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

Power to retain sell &c. lands.

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

Dwelling-houses for employees offices &c.

12. The Council may purchase or take on lease houses cottages and other buildings for persons employed by them in connection with the gas undertaking and offices showrooms and other buildings for the purposes of the gas undertaking and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to or leased by the Council for the purposes of that undertaking.

For protection of London and North Western Railway Company.

13. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the company") shall be in force and have effect:—

- (1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railway of the company the same shall be done

under the superintendence and to the reasonable satisfaction of the principal engineer of the company and only (except in cases of emergency arising from defects in any of the pipes or other works) according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Council who also shall restore and make good the roads over any level crossings which the company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council Provided always that if such principal engineer shall not approve or disapprove any plans or the proposed manner of doing any such work within twenty-one days after the same have been submitted to him or shall refuse or neglect for the space of seven days after being requested so to do by the Council to superintend any work the Council may proceed with the work without the approval of the plans and manner of doing the work and without the superintendence of the said engineer respectively: A.D. 1914.

- (2) All such works matters and things shall be constructed executed and done so as not to cause any injury to the railway or interruption to the passage or conduct of traffic over the same And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to the railway the Council shall make compensation in respect thereof to the company:
- (3) Any dispute or difference which may arise between the company and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the company and the Council or either of them and the Arbitration Act 1889 shall apply to the arbitration.

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PART III.

SUPPLY OF GAS.

Limits for
supply of
gas.

14. The limits of the Council for the supply of gas shall be and include the parish of Machen Upper in the urban district of Bedwas and Machen in the county of Monmouth and so much of the parishes of Rudry and Rhydygwern in the county of Glamorgan as lies on the northern side of an imaginary line drawn from Rhydygwern Farm House in the parish of Rhydygwern in a south-westerly direction to Tysarn in the parish of Rudry and thence in a straight line due west to the boundary of the parish of Rudry with the hamlet of Van.

Council to
provide ap-
paratus for
testing calor-
ific value.

15. Within six months from the passing of this Act the Council shall provide at the prescribed testing place apparatus for testing the calorific value of the gas supplied by them at such testing place similar to the apparatus for the time being prescribed by the metropolitan gas referees for testing the calorific value of the gas supplied by the companies referred to in the London Gas Act 1905.

Calorific
value.

16. The gas supplied by the Council within the limits of supply shall when tested in the mode and under the conditions for the time being prescribed by the metropolitan gas referees for testing the calorific value of gas be of a standard calorific value of five hundred and forty British thermal units gross per cubic foot (the expression "British thermal units" being used in this Part of this Act as meaning British thermal units gross per cubic foot) Provided that the Council shall not be liable to any penalty or proceedings for or in respect of deficient calorific value of the gas so supplied by them except in accordance with the provisions hereinafter contained.

Provisions as
to testing for
calorific
value.

17. The following provisions shall apply with respect to the testing for calorific value of the gas supplied by the Council within the limits of supply :—

- (1) Not more than one testing for calorific value shall be made on any one day (reckoned from midnight to midnight) except that in the event of the calorific value being on any testing ascertained to be below four hundred and seventy-five British thermal units a second testing shall be made on the same day but

at an interval of not less than one hour from the time of making the first testing and the average of the two testings shall be deemed to be the calorific value of the gas on that day:

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- (2) The gas examiner shall forthwith give notice to the Council at their office of any defect of calorific value ascertained by him on any testing made under this section:
- (3) The provisions of section 12 of the Gasworks Clauses Act 1871 with reference to the testing for illuminating power shall not apply to the Council and sections 28 29 30 31 32 and 33 of the said Act in its application to the Council shall be construed as if calorific value were therein referred to in lieu of illuminating power.

18. Where the calorific value on any day of the gas supplied by the Council at the testing place is less than four hundred and seventy-five British thermal units they shall be liable to the following penalties in respect of such deficiency (that is to say):—

Penalties for deficient calorific value.

Where the deficiency does not exceed fourteen British thermal units forty shillings:

Where the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds:

For each complete twenty-eight British thermal units of defective value a sum not exceeding ten pounds:.

Provided that the Council shall not be liable to any penalty in any case in respect to which it is proved before the justices that the defect of calorific value was occasioned by unavoidable cause or accident.

19.—(1) The Council may purchase sell let for hire fix repair and remove but shall not manufacture engines motors stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

Power to supply gas fittings &c.

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(2) Provided as follows:—

- (A) The Council 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 moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):
- (B) Every sum charged by the Council in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Council to the consumer:
- (c) The total sums expended and received by the Council 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 gas undertaking of the Council for that year.

Gas fittings
not to be
subject to
distress &c.

20. All engines motors stoves ranges pipes and other gas fittings let by the Council for hire under this Act shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be and all such fittings shall notwithstanding that they be fixed or fastened to any part of any 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 Council Provided that nothing in this section shall affect the amount of assessment for rating of any premises upon which any such fittings are or shall be fixed Provided also that the Council shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall be marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

Limits of
price.

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

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

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Charges for gas supplied by means of prepayment meters.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Council in connection therewith.

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

23. For the purposes of the Gasworks Clauses Act 1871 as varied by this Act the prescribed testing place shall be a testing place which shall be provided by the Council on the lands described in the First Schedule to this Act before supplying or within three months after beginning to supply gas under the authority of this Act.

Testing place.

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

Pressure.

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

Saving as to penalties.

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

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

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

(2) The Council may also contract with any local authority company or persons supplying gas under Parliamentary powers for a supply to the Council of gas in bulk and such local authority company or persons shall be empowered to give such supply to the Council.

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

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

(1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Council's mains and the meter so far as such pipes and fittings are intended to be covered over:

(2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Council : A.D. 1914.

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Council's main but within the outside wall of the building :

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council. Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with :

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

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

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

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Supply of gas where consumer has separate supply.

29. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Council a supply of gas for any premises for which he has at the same time a supply of gas from any installation other than that of the Council or a supply of electricity unless he shall have agreed to pay to the Council such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Power to enter premises and remove fittings.

30. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Council by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Council shall not require to take a supply of gas from the Council or to hire from the Council all or any of the pipes meters fittings or apparatus belonging to the Council and let by them on hire to any former occupier of such premises.

Gas consumers to give notice to Council before removing.

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

Notice to discontinue supply of gas.

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

Period of error in defective meters.

33. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859

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and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Council.

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

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

35. The Council 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 or road laid out or made but not dedicated to public use supply such premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act.

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

36. For the protection of the Right Honourable Courtenay Charles Evan Lord Tredegar and his sequels in estate or other the owner or owners for the time being of the Tredegar Settled Estates (hereinafter referred to as "the owner") the following provisions shall have effect (that is to say):--

For protection of Lord Tredegar.

In the event of the owner desiring to stop up or discontinue the user of any street or road laid out or made upon any lands of the owner but not dedicated to public use in which street or road any mains pipes or works have been laid by the Council under the provisions of the last preceding section of this Act otherwise than on the application or with the consent in writing of the owner the Council shall on notice in writing from the owner requiring them so to do take up and remove such mains pipes and works and to the reasonable satisfaction of the owner fill in the ground opened or broken up for that purpose and on the expiration of one month from

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the receipt of such notice the powers of the Council under the said section shall in respect of such street or road cease and determine.

Power to lay down and utilise pipes for ancillary purposes.

37. The Council may lay down place repair alter remove and renew mains pipes culverts and other apparatus within the limits of supply for the purpose of procuring conducting or disposing of any oil tar or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

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

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

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

On failure of Council other undertakers may apply for powers.

39. If after the expiration of five years from the passing of this Act the Council have not laid down mains for the supply of gas in the portions of the parishes of Rudry and Rhydygwern included within the limits of supply nothing in this Act shall prevent any company person or local authority having statutory power so to do from supplying gas in the portions of the said parishes in which the Council are not either supplying gas or prepared to furnish a supply on demand and the Council shall not oppose any application by the council of any urban district or any company or person for an Act of Parliament or Provisional Order for the purpose of providing such a supply.

PART IV.

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FINANCIAL.

40.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

Power to borrow.

(A) For and in relation to the purchase of land and easements for and for the erection of gasworks the sum of seven thousand nine hundred pounds:

(B) For new services meters stoves and fittings the sum of two thousand five hundred and seventy pounds:

(C) For working capital the sum of one thousand pounds:

(D) For the extension and improvement of the gas undertaking of the Council or for any other purpose of or in relation to such undertaking such sums as the Local Government Board may sanction:

(E) For paying the costs charges and expenses of this Act the sum requisite for that purpose.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of the gas undertaking and if they think fit as a collateral security the district fund and general district rate Provided that the provisions of this section shall not limit the powers conferred upon the Council by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

41. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Section 234 of Public Health Act not to apply.

42. The Council may raise all or any moneys which they are authorised to 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 Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds

Method of raising money.

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A.D. 1914. — formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Provisions of Public Health Act as to mortgages to apply.

43. The following sections of the Public Health Act 1875 shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") extend and apply to mortgages granted under this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases).

Periods for repayment of money borrowed.

44. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within forty years from the date or dates of borrowing of the same:

As to moneys borrowed for the purpose (B) in the said section mentioned within twenty years from the date or dates of borrowing of the same:

As to moneys borrowed for the purpose (C) in the said section mentioned within ten years from the date or dates of borrowing of the same:

As to moneys borrowed for the purpose (E) in the said section mentioned within five years from the date of the passing of this Act:

As to moneys borrowed with the approval of the Local Government Board within such period not exceeding sixty years as that Board may think fit to sanction.

Mode of payment off of money borrowed.

45. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them Provided that the Council shall not be bound

to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (A) mentioned in the section of this Act of which the marginal note is "Power to borrow" until the thirty-first day of March next after the completion of the gasworks or the thirty-first day of March one thousand nine hundred and seventeen whichever shall be the earlier date. A.D. 1914.

46.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either— Sinking fund.

(A) By payment to the fund throughout the prescribed period of 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) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of the section of this Act of which the marginal note is "Power to use sinking fund instead of borrowing" be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council

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A.D. 1914. 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) — (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council :

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

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

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed periods the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the

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Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed. A.D. 1914.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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

47. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities. Power to invest all sinking funds in statutory securities.

48.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Second Schedule to this Act or to the like effect.

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(3) All mortgages granted under this section 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 mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

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(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

49.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

Power to use sinking fund instead of borrowing.

(a) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(b) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to

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use one form of mortgage for all purposes” and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund:

(b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Protection of
lender from
inquiry.

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

As to
temporary
borrowing.

51.—(1) For the purpose of providing temporarily during any financial year for their current expenses as a sanitary

authority (whether under the provisions of public general or local Acts) or for the current expenses of their gas undertaking and after the commencement of such year it shall be lawful for the Council to borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person such sums as they may from time to time resolve not exceeding in each case an amount equal to one third of the amount of the before-mentioned expenses for the immediately preceding financial year for any such purpose as aforesaid and any amount so borrowed shall form a charge upon the rates or revenue of the undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Council authorising such borrowing *pari passu* with any bond or mortgage affecting the same and it shall further be lawful for the Council to utilise for providing temporarily for any such expenses any sinking funds which they may have in hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve Provided that—

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- (A) Any sum so borrowed together with the interest thereon shall in the case of any sum borrowed on the credit of a rate be repaid out of such rate within the financial year during which the same was borrowed and in any other case the same shall be repaid out of the income on the credit of which the sum was borrowed within three months after the expiration of such financial year :.
- (B) The clerk shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require :
- (C) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Council have failed to comply with the requirements of this section as to

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repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and fifteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

Council not
to regard
trusts.

52. The Council 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 borrowed granted or issued 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 Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Power to
re-borrow.

53.—(1) The Council shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power 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 Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(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 period A.D. 1914.
prescribed for the repayment of that loan 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 Council 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 Council 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

(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.

54.—(1) The clerk shall within forty-two days after the
thirty-first day of March in each year if during the twelve
months next preceding the said thirty-first day of March any
sum is required to be paid as an instalment or annual payment
or to be appropriated or to be paid to a sinking fund in
respect of any of the moneys raised by the Council in
pursuance of any statutory borrowing power and at any other
time when the Local Government Board may require such a
return to be made transmit to the Local Government Board a
return in such form as may be prescribed by that Board and if
required by that Board verified by statutory declaration of the
clerk showing for the year next preceding the making of such
return or for such other period as the Board may prescribe the
amounts which have been paid as instalments or annual
payments and the amounts which have been appropriated and
the amounts which have been paid to or invested or applied
for the purpose of the sinking fund and the description of the
securities upon which any investment has been made and the
purposes to which any portion of the sinking fund or invest-
ment or of the sums accumulated by way of compound
interest has been applied during the same period and the total
amount (if any) remaining invested at the end of the year and

Returns to
Local
Government
Board as to
repayment of
debt.

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A.D. 1914. in the event of his failing to make such return the clerk shall
— for each offence be liable to a penalty not exceeding twenty
pounds to be recovered by action on behalf of the Crown in
the High Court and notwithstanding the recovery of such
penalty the making of the return shall be enforceable by writ
of Mandamus to be obtained by the Board out of the High
Court.

(2) If it appears to the Local Government Board by that
return or otherwise that the Council have failed to pay any
instalment or annual payment required to be paid or to
appropriate any sum required to be appropriated or to set apart
any sum required for any sinking fund (whether such instal-
ment or annual payment or sum is required by the Act in
pursuance of which the moneys are raised or by the Local
Government Board in virtue thereof to be paid appropriated or
set apart) or have applied any portion of the sinking fund to
any purposes other than those authorised the Local Government
Board may by order direct that the sum in such order men-
tioned not exceeding double the amount in respect of which
default has been made shall be paid or applied as in such
order mentioned and any such order shall be enforceable by
writ of Mandamus to be obtained by the Local Government
Board out of the High Court.

Application
of money
borrowed.

55. All money borrowed or raised under the provisions of
this Act shall be applied only to the purposes for which it is
authorised to be borrowed or raised and (except in the case of
money borrowed for working capital or for current expenses) to
which capital is properly applicable provided that moneys which
may have been borrowed in excess of the amount required
shall be paid into the sinking fund or shall be applied in
such manner as the Council with the consent of the Local
Government Board determine.

Proceeds of
sale of sur-
plus lands.

56. The proceeds of the sale of any lands or other property
of the Council under the powers of this Act and the fines and
premiums on any leases granted by the Council under this Act
shall be distinguished as capital in the accounts of the Council
and shall be applied in discharge of any moneys borrowed by
the Council under this Act to which such capital moneys would
be properly applicable or if there shall be no moneys owing
under this Act such proceeds shall be applied in or towards

paying off any other moneys for the time being owing by the Council but shall not be applied to the payments of instalments or to payments into the sinking fund except to such an extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such sums shall not be re-borrowed. A.D. 1914.

57. The Council shall keep separate accounts of their receipts and expenditure on capital and revenue account for the purposes of the gas undertaking. Council to keep separate accounts of gas undertaking.

58.—(1) The Council shall apply all moneys received by them on revenue account in respect of their gas undertaking in the order following (that is to say):— Application of revenue and deficiency of receipts in respect of gas undertaking.

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

(Secondly) In payment of the interest on moneys borrowed for the purposes of the undertaking:

(Thirdly) In providing the requisite appropriations or instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking:

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

(Fifthly) In repayment to the district fund of any sum which the Council may at any time have provided out of that fund for the purpose of making good the deficiency in the revenue of the undertaking:

(Sixthly) In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any

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part of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

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

Provided always that after the expiration of the quarter in which the volume of gas supplied within the portions of the parishes of Rudry and Rhydygwern during that quarter which added to the volume of gas so supplied during the preceding three quarters shall be ascertained to amount to or exceed five million cubic feet the balance remaining in any year of the moneys so received as aforesaid which may in the opinion of the Council not be required for carrying on improving or extending the undertaking and paying the current expenses connected therewith shall be applied by the Council in equal moieties in reducing to the consumer the cost of gas and in increasing the district fund.

(2) Any deficiency in the revenue of the gas undertaking of the Council shall be made good out of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Statement of
accounts to
be sent to
rural district
council.

59. The Council on or before the thirtieth day of June in each year shall forward to the Llandaff and Dinas Powis Rural District Council an annual statement of the accounts of the gas undertaking made up to the thirty-first day of March in the same year.

Scheme for
fixed equated
periods.

60.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged

and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto. A.D. 1914.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

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

PART V.

MISCELLANEOUS.

61. The Council may take hold and use patents rights and licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture of gas or of the residual products hereinbefore mentioned. Power to hold licences under letters patent.

62. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts. Audit of accounts.

63. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 Application of section 265 of Public

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A.D. 1914. shall extend and apply to the purposes of this Act as if the
Health Act same were re-enacted herein.
1875.

Informations
by whom to
be laid.

64. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Evidence of
appointments
authority &c.

65. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be *primâ facie* evidence of such appointment authority or resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to
appeal.

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

Authenti-
cation and
service of
notices &c.

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

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force

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within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the Company at their registered office or at their principal office or place of business. A.D. 1914.

68. 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 may be prosecuted and recovered in a summary manner Provided that costs and 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.

69. 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.

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

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

71. If any difference arise between the Council and any road authority or railway canal or other company whose lands or works the Council have power to cross under the authority of this Act as to the mode of laying down repairing altering or Difference with road authorities or railway or other companies.

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A.D. 1914. enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Damages and charges to be settled by justices.

72. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by the Court before whom any offender is convicted.

Penalties to be paid over to treasurer.

73. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act shall be paid to the treasurer of the Council and be by him carried to the credit of the district fund or to such other fund as the Council shall direct.

Compensation &c. how to be determined.

74. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Saving for indictments &c.

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

Powers of Act cumulative.

76. All the powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

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77. 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.

A.D. 1914.
Judges &c.
not dis-
qualified.

78. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Saving
Crown
rights.

79. The costs charges and expenses preliminary to and of and incidental to obtaining this Act or otherwise in relation thereto shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council in the first instance out of the district fund and general district rate and ultimately may be paid out of moneys borrowed by the Council for that purpose under the authority of this Act.

Expenses of
Act.

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A.D. 1914. The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

A piece or parcel of land containing in the whole by admeasurement 1 acre 2 roods 30 poles or thereabouts bounded on the north-east by lands the property of the Brecon and Merthyr Railway Company on the south-east and south by a footpath leading from the Brecon and Merthyr Railway to Crown Street on the south-west and west in part by lands belonging or reputed to belong to Sir Ivor John Caradoc Herbert C.B. C.M.G. M.P. and in lease to the said Brecon and Merthyr Railway Company and in other part by Crown Street and the roadway leading from Crown Street to Chatham Street and on the north-west by the roadway leading from Chatham Street to the said railway and which said piece or parcel of land is numbered 401 on the $\frac{1}{2500}$ Ordnance map Glamorganshire Sheet XXIX. (16) and Monmouthshire Sheet XXVII. (16) 2nd edition 1901.

SECOND SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Bedwas and Machen Urban District Council Act 1914 and of other their powers in that behalf them enabling the urban district council of Bedwas and Machen in the county of Monmouth (hereinafter called "the Council") in consideration of the sum of _____ pounds paid to the treasurer of the Council by

(hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of

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the date of these presents until the said sum of _____
_____ pounds shall be fully paid and satisfied
with interest for the same (subject as hereinafter provided) at the rate
of _____ per centum per annum from the _____ day of
_____ one thousand nine hundred and _____ until payment
of the said principal sum such interest to be paid half-yearly [on the
_____ day of _____ and the _____ day of
_____ in each year] And it is hereby agreed that the said
principal sum of _____ pounds shall be repaid at the
office of the Council in the said district [(subject as hereinafter
provided) on the _____ day of _____ one thousand nine
hundred and _____] [by _____]:

A.D. 1914.
—

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

In witness whereof the Council have caused their common seal to
be hereunto affixed this _____ day of _____ one
thousand nine hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this _____ day of _____ one
thousand nine hundred and _____

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A.D. 1914.

FORM OF TRANSFER OF MORTGAGE.

I [the within-named]
[of _____]
in consideration of the sum of
pounds paid to me by
of
(hereinafter called "the transferee") do hereby transfer to the
transferee his executors administrators and assigns [the within-written
security] [the mortgage number _____ of the revenues of
the urban district council of Bedwas and Machen bearing date the
day of _____] and all my right and interest under the
same subject to the several conditions on which I hold the same at
the time of the execution hereof and I the transferee for myself my
executors administrators and assigns do hereby agree to take the said
mortgage security subject to the same conditions.

Dated this _____ day of _____ one thousand
nine hundred and _____ .

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